

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(218)

CWP-16555-2017

Date of Decision : April 25, 2022

Avtar Singh

.. Petitioner

Versus

Union of India and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. A.P.S. Sandhu, Advocate, for the petitioner.

Mr. Rajvir Singh Sihag, Advocate, for the respondents.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed with a prayer that the family details of the petitioner, as required to be published with regard to the legal heirs of the serving employee, are not being published by the respondents though, the petitioner intends to include the name of his wife namely Jasbir Kaur and the details of his son Rajender Singh born out of the said wedlock.

On the last date of hearing, following order was passed:-

“In the present writ petition, the challenge is to the order dated 08.04.2017 (Annexure P-7) by which the respondents have declined to update the family details of the petitioner for the publication of PART II order. The petitioner applied before the respondents to update the name of his wife as Smt. Jasbir Kaur and also the name of his son as Rajender Singh. The said application has been declined by the respondents on the ground that the petitioner has shown the

date of marriage with Smt. Jasbir Kaur as 08.09.2006 whereas, the competent Court of law has granted the divorce to the petitioner from his first wife, namely, Smt. Rattanjit Kaur, on 01.06.2013 and therefore, as Jasbir Kaur cannot be treated legally wedded wife of the petitioner, hence her name cannot be added as a wife.

By the said order, even the name of the Rajender Singh, who was born from the alliance of the petitioner and Smt. Jasbir Kaur has been declined to be added in the PART II order. On being asked that as to how the claim of the petitioner in respect of Rajender Singh can be declined, keeping in view the provisions of Section 16 of Hindu Marriage Act, 1955, according to which the children born out of the void or a voidable marriage are to be treated as legitimate, learned counsel for the respondents prays for a short adjournment to seek instructions from the respondents for including the name of Rajender Singh as the son of the petitioner in PART II order, as being claimed by the petitioner.

The petitioner in this petition is only restricting his claim for inclusion of name of Rajender Singh as his son in PART II order.

Adjourned to 30.03.2020.”

Learned counsel for the respondents very fairly submits that keeping in view the position of law as it stands now as well as the fact that the present petition has been restricted qua the publication of the name of son Rajender Singh only, appropriate publication will be done by the respondents within a period of six weeks of the passing of this order by including the name of son Rajender Singh in the list of legal heirs/nominations as required to be published of the serving officials.

Learned counsel for the petitioner submits that keeping in view the statement of the learned counsel for the respondents, no further

grievance of the petitioner survives in the present petition and the same may kindly be disposed of having been not pressed any further.

Ordered accordingly.

April 25, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No