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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: 06.01.2023

+ W.P.(C) 16467/2022

SUMAN

..... Petitioner

Through: Mr.Amit Alok, Adv. with petitioner
in person.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Mr. Sagar Mehlawat and Mr.
Alexander Mathai Paikaday,
Advocates.
Mr.Gaurav Sharma, SPC with
Ms.Geetanjali Tyagi (GP) with
Mr.Siddhartha Nagpal, Adv.
Major Partho Katyayan.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Present petition has been filed seeking directions to respondent nos.1 & 2 to add petitioner's name in ECHS Card (Ex-Servicemen Contributory Health Scheme), CSD Card (Canteen Stores Department) & Zila Sainik Board to enrol petitioner in NOK and the same be updated and to enter

spouse in AGI (Army Group Insurance) update marital status in PPO (Pension Payment Order) as respondent no.3's spouse and the Discharge Book and Record and Service Book of the respondent no.3 and pay compensation of Rs.80 lakh to the petitioner.

2. Learned counsel appearing on behalf of the respondent no.3 has strongly opposed the present petition by submitting that marriage between the petitioner and respondent no.3 is not a marriage as per Hindu Marriage Act as no Saptabadi was performed and thus, she cannot be considered as wife of respondent no.3. Moreover, respondent no.3 had already filed a petition for Divorce before the competent court and has also taken a ground in the petition under Section 125 Cr.P.C. filed by the petitioner that no marriage has taken place between petitioner and respondent no.3. Thus, the present petition deserves to be dismissed.

3. Pursuant to order dated 30.11.2022, learned counsel appearing on behalf of the respondents, on instructions, submits that name of the petitioner has already been added in PPO on 16.08.2022 as wife of respondent no.3. Thus, if she approaches Polyclinic, Jhajjar or any nearby Polyclinic, ECHS card shall be issued after completion of necessary formalities by her.

4. Accordingly, the Incharge of the said Poly Clinic is directed to issue ECHS Card in the name of petitioner as wife of respondent no.3 after completion of necessary formalities.

5. We hereby make it clear that any requirement of any formalities to be completed by respondent no.3, that will be waived off for the reason that there is a matrimonial dispute between the petitioner and respondent no.3, however, the petitioner will alone do the requisite formalities.

6. On receipt of the ECHS Card, the petitioner is at liberty to approach to Station Head Quarter/Area Head Quarter, Hissar (Haryana) to get the CSD card in favour of the petitioner and respondent no.3 after completing the requisite formalities. We direct the aforesaid authorities to allow the petitioner alone to complete the formalities required and if any formality to be done by respondent no.3 only, that will be waived off since respondent no.3 is not coming forward to help the petitioner to complete the formalities.

7. We also make it clear that the petitioner shall be entitled for half of the quota granted to the husband of the petitioner on CSD card.

8. Needless to state that the facility of the petitioner shall continue till the marriage of the petitioner subsists, however, if the marriage is annulled by the competent court, the respondents will be at liberty to take action as per procedure of law.

9. We have no hesitation to record here that the present order has been passed in view of peculiar facts and circumstances of this case and this shall not be construed as a precedent for future.

10. In view of above, nothing survives in the present petition and same is accordingly, disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

JANUARY 06, 2023/ab

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