

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

219

RSA-5362-2016 (O&M)
Decided on :10.04.2024

JASBIR KAUR AND ORS

.APPELLANTS

Versus

SUKHBIR KAUR AND ORS

. . . RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Mrinal Diwan, Advocate for
Mr. R. S. Manhas, Advocate for the appellant.

Ms. Rashika Bansal, Advocate for
Mr. Dheeraj Mahajan, Advocate
for respondents No. 1 to 3.

Mr. Rohit Ahuja, DAG, Punjab
for respondents No. 4 & 5.

HARSIMRAN SINGH SETHI, J. (Oral)

1. The present appeal has been filed against the concurrent findings recorded by the Courts below while granting the relief to the respondent-plaintiff No. 2 & 3.
2. Certain facts needs to be mentioned for correct appreciation of the issue in hand.
3. Sukhbir Kaur, Arshdeep Kaur and Sukhpal Singh filed a civil suit claiming that service benefits in respect of service rendered by Jashpal Singh son of Dilip Singh on the ground that Jashpal Singh had married Sukhbir Kaur and out of said wedlock, two children namely, Arshdeep Kaur

and Sukhpal Singh were born. The said suit was contested not only by State but by one Jasbir Kaur, Mansimran Singh, Manpreet Kaur and Pavitar Punit Singh on the ground that Jashpal Singh was already married to Jasbir Kaur and hence, the second alleged marriage of Jashpal Singh with Sukhbir Kaur is void and no relief can be granted to the respondent-plaintiffs.

4. The trial Court, on the basis of the evidence and the fact which have come on record, allowed the suit qua respondents -plaintiffs No. 2 & 3 i.e. the children born out of the wedlock between Sukhbir Kaur and Jashpal Singh to be entitled for the service benefit alongwith other appellants-defendants i.e. Ist wife Jasbir Kaur his children born out of the wedlock with Jaspal Singh as well as and two children born out of the wedlock between Sukhbir Kaur and Jashpal Singh i.e. Plaintiffs No. 2 & 3.

5. Feeling aggrieved against the said judgment and decree dated 24.12.2013 passed by the trial Court, two appeals were filed, one by State and second one by Jasbir Kaur. Both the appeals have been dismissed by the lower Appellate Court while passing judgment and decree dated 24.05.2016. The said Judgments and decree of the Courts below are under challenge in the present regular second appeal at the hand of the first wife Jasbir Kaur and the children born out of the wedlock between Jashpal Singh and Jasbir Kaur .

6. Learned counsel for the appellants submits that the judgments and decree of the Courts below are perverse as nothing has come on record to prove that Jashpal Singh was married to Sukhbir Kaur and respondents-Plaintiff No. 2 & 3 were born out of the said wedlock hence, in the absence of any cogent evidence, the service benefit in respect of service rendered by Jashpal Singh, could not have been extended to respondents-plaintiff No. 2 & 3.

7. Learned counsel for the respondent-plainiff submits that due evidence was brought on record which have been taken into account by the Courts below while granting the service benefit to respondents-plaintiffs No. 2 & 3, hence, the judgments and decree of the Courts below are liable to be upheld.

8. I have heard learned counsel for the parties and have gone through the record with their able assistance.

9. The only argument which has been raised by the learned counsel for the appellants is that there was no cogent evidence on record to held that respondents-plaintiffs No. 2 & 3 were born out from the wedlock between Jashpal Singh and Sukhbir Kaur. It may be noticed that the Courts below have relied upon the birth certificates issued qua respondents-plaintiffs No. 2 and 3 which shows that they were the children of Jashpal Singh. Not only this, even the ration card which depicted the picture of Jasphal Singh alongwith Sukhbir Kaur and two children, were brought on record which has been relied upon by the Courts below to hold that respondents-plaintiffs No. 2 & 3 were born out of the wedlock between Jashpal Singh and Sukhbir Kaur.

10 Not only this, there were other documents which have been discussed by the Courts below which have been relied upon to grant the relief in favour of respondents-plaintiffs No. 2 & 3, defendants which has been given in the impugned judgments and decree.

11 Learned counsel for the appellants-defendants has not been able to rebut that those documents in any way were not sufficient to hold that respondents-plaintiffs No. 2 & 3 were born out of the wedlock of Sukhbir Kaur and Jashpal Singh. Sukhbir Kaur has been declined the service benefit keeping in view the fact that marriage of Sukhbir Kaur and Jashpal Singh

was void but children born out of the said void marriage have been granted the benefit of service keeping in view the provisions of the Hindu Marriage Act, 1955.

12. No other argument has been raised.

13. Hence, keeping in view the facts and circumstances of the present case recorded herein before as no perversity in the judgment impugned has been brought to the notice of this Court, no ground is made out for interference in the present regular second appeal, hence the same stands **dismissed**.

14. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

10.04.2024

Riya

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No