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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-6974-2011 (O&M)

Date of Decision : 13.11.2025

Meetu

... Appellant(s)

Versus

Rajesh Kumar & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Ritu Punj, Advocate for the appellants.

Mr. Tajender Joshi, Advocate for respondent No.4.

Mr. B.S. Mamli, Advocate for respondent Nos.5 and 6.

ALKA SARIN, J. (Oral)

CM-25920-CII-2019

1. This is an application under Section 151 of the Code of Civil Procedure, 1908 for staying the findings of the learned Motor Accident Claims Tribunal, Kurukshetra (hereinafter referred to as 'Tribunal').

2. Learned counsel for the parties are *ad idem* that instead of addressing the arguments on the present application, the main appeal may be heard.

3. In view of the above, the present application is allowed. With the consent of the learned counsel for the parties, the main appeal is taken on Board today itself.

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4. The present appeal has been preferred by the claimant-appellant

aggrieved by the impugned award dated 24.08.2011 passed by the Tribunal whereby her claim petition has been dismissed on the ground that she has not been proved to be legally wedded wife of the deceased – Rajnish Mohan.

5. Learned counsel for the claimant-appellant would contend that the issue whether the claimant-appellant is the legally wedded wife of the deceased – Rajnish Mohan could not have been decided by the Tribunal in the present proceedings and the Tribunal ought to have relegated the claimant-appellant to the Civil Court for getting the issue decided.

6. *Per contra* learned counsel for respondent Nos.4 to 6 have contended that the Tribunal has already recorded a finding that the claimant-appellant is not the legally wedded wife of the deceased – Rajnish Mohan.

7. I have heard the learned counsel for the parties.

8. In the present case the Tribunal has dismissed the claim petition on the basis of finding on Issue No.2 - “*Whether petitioner is legally wedded wife of deceased Rajnish Mohan and petitioner as well as proforma respondents no.5 & 6 are entitled to receive compensation amount? ...*” by holding that the claimant-appellant could not prove herself to be the legal heir of deceased – Rajnish Mohan. This disputed issue was qua the matrimonial status of the claimant-appellant with the deceased and the same was not an issue which could have been decided by the Tribunal. Hon’ble Supreme Court in the case of **Balram Yadav Vs. Fulmaniya Yadav [2016 (3) RCR (Civil) 694]** has held as under:

“ 6. Section 20 of the Family Courts Act, 1984 provides for overriding effect of the Act on other laws or instruments having the effect of law. The said Section reads as follows:-

"20. Act to have overriding effect- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act."

7. Under Section 7(1) Explanation (b), a Suit or a proceeding for a declaration as to the validity of both marriage and matrimonial status of a person is within the exclusive jurisdiction of the Family Court, since under Section 8, all those jurisdictions covered under Section 7 are excluded from the purview of the jurisdiction of the Civil Courts. In case, there is a dispute on the matrimonial status of any person, a declaration in that regard has to be sought only before the Family Court. It makes no difference as to whether it is an affirmative relief or a negative relief. What is important is the declaration regarding the matrimonial status. Section 20 also endorses the view which we have taken, since the Family Courts Act, 1984, has an overriding effect on other laws."

9. It was only after a declaration as regards the matrimonial status/validity of marriage of the claimant-appellant with the deceased is granted that the Tribunal could have determined her claim for compensation. In view thereof, the impugned award dismissing the claim petition is upheld with a clarification that the claimant-appellant would be at liberty to get her matrimonial status with the deceased decided by the appropriate jurisdictional

forum and any observation made herein or in the impugned award shall have no bearing in the decision thereof.

10. Disposed off accordingly. Pending applications, if any, also stand disposed off.

13.11.2025

Yogesh Sharma

(ALKA SARIN)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/N