



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-33509-2024 (O&M)

Date of Decision: 20th of February, 2025

RANI DEVIPetitioner (s)

V/s.

UNION OF INDIA AND OTHERSRespondent(s)

CORAM: **HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Vikas Lochab, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. It is the submissions of the petitioner that the first wife-Smt. Ram Rati had given consent to the petitioner's marriage with her husband Subedar Inder Singh, and therefore, the petitioner ought to be given a share of the family pension, therefore, she by way of this Writ Petition assails the order dated 18.10.2024 passed by the Armed Forces Tribunal, Chandigarh Bench, (hereinafter referred to "the Tribunal") whereby the Tribunal has directed to release the family pension and retiral benefits to Smt. Ram Rati (applicant therein) who is the legally wedded wife of the Late Subedar Inder Singh.

2. The Writ Petitioner claims that because the original applicant-Smt. Ram Rati had no children from the wedlock, the petitioner was married to Late Subedar Inder Singh for procurement of children and she, therefore, has to be recognized as a second wife.



3. We would not subscribe to such a submission as in the law under the Hindu Marriage Act, 1955, no person is allowed to re-marry while the spouse is surviving. Merely because the petitioner has two children born out of the wedlock, she cannot be said to be a legally wedded wife and would come within the definition of concubine. In terms of Section 125 Cr. P.C., her children would of course be entitled for maintenance from her husband, but since the husband having expired, the first wife/legally wedded wife has no responsibility to take care of children of petitioner.

4. It is apparent from Annexure A-2 placed on record with the OA that the petitioner's name was not even recorded in the order in spite of her request.

5. In the circumstances, no fault can be said to have been committed by the Tribunal and its order dated 18.10.2024. The Writ Petition is devoid of merits and is accordingly **dismissed**.

6. All pending applications in this case are disposed of accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

[MEENAKSHI I. MEHTA]
JUDGE

February 20, 2025
Ess Kay

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No