HIGH COURT OF UTTARAKHAND AT NAINITAL

First Appeal No. 224 of 2026

Priyanka Goel .....Appellant.

Versus

Dalip Singh .....Respondent

Present : Ms. Prabha Naithani, Advocate for the appellant.
None appears for the respondent.

Coram : Hon'ble Ravindra Maithani. J.
Hon'ble Siddhartha Sah, J.

Hon'ble Ravindra Maithani, J. (Oral)

The challenge in this appeal is made to the judgment and order 31.08.2026, passed in Original Suit No.255 of 2026, Smt. Priyanka Goel Vs. Shri Dalip Singh, by the court of Additional Principal Judge, Family Court, Vikasnagar, District Dehradun ("the case"). By which, an application, under Section 27 of the Uttarakhand Uniform Civil Code, 2024, filed by the parties, has been allowed and their marriage dated 25.10.2020 was dissolved on mutual consent.

2. Heard learned counsel for the parties and perused the record.

3. Learned counsel for the appellant submits that the joint petition for divorce on mutual consent was never read over to the appellant; the marriage was love marriage; the impugned judgment and order is based on the fraud affecting judicial proceedings and the terms of custody of child were manipulated and there was absence of informed consent of the appellant.

4. Learned counsel for the appellant further submits that post judgment dated 31.08.2026, passed in the case, the appellant

filed an application before the same Additional Principal Judge, Family Court, Vikasnagar, District Dehradun for recall of the judgment and order dated 31.08.2026, but that application was never taken on record. She has referred to Annexure No.3 to the appeal.

5. What the appellant claims is that the impugned judgment and order, by which, the marriage was dissolved by mutual consent is affected by fraud as the petition for mutual consent was never read over to her. The mother of the appellant died on 13.07.2026; thereafter a joint petition was filed on 21.08.2026, which was decided by the impugned judgment and order dated 31.08.2026. The appellant did not give any consent to the terms and conditions, particularly with regard to the custody of child. She is not agreed by the dissolution of marriage.

6. Be it as it may, no court is devoid of powers to undo any order that is affected by fraud. If fraud is played by any of the parties and the order is procured, the matter has to be agitated before the same court. The appellant is at liberty to approach the concerned court raising all the issues that the appellant has tried to raise before this Court. This Court has no doubt that once such an application is filed, it shall find determination, in accordance with law.

7. With this observation, the appeal stands disposed of.

(Siddhartha Sah, J.) (Ravindra Maithani, J.)

31.10.2026

Sanjay