

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4263/2019
[@ SLP [C] NO.13045/2018]

PHOOLMA DEVI

Appellant(s)

VERSUS

BIKRAM SINGH & ORS.

Respondent(s)

O R D E R

Leave granted.

The appeal arises out of the judgment and order passed by the High Court of Punjab & Haryana at Chandigarh in RSA No.4171 of 2015 dated 11.01.2018.

Brief facts of the case are that deceased-Parveen Singh had joined the service of Punjab State Electricity Board as a Khalasi at Bhatinda, Punjab on 18.10.1972 and his services were regularized on 18.04.1975.

In the year 1974, the appellant-Phoolma Devi got married to Parveen Singh and resided at the native village of her husband at Khand, Tehri Garhwal, Uttarakhand. On 07.05.1981, a daughter Pinki was born to her.

On 25.05.2009, Parveen Singh died while he was on duty and working at Ropar, Punjab. After his death, the appellant came to know that her husband, during the subsistence of their marriage had contracted another

marriage with respondent No.2-Shaini Devi who was residing with him in the allotted Government quarter in Ropar, Punjab.

The appellant sent a representation to the Punjab State Electricity Board, Chief Engineer, GGSSTP, Ropar claiming payment of death and retiral benefits to her.

When no steps were taken, being aggrieved from the inaction of the concerned authorities for disbursing the payment of death claim and all retiral benefits, the appellant filed a Civil Suit No.RT-RT-52 of 18.02.2010 in the Court of Civil Judge, Senior Division, Rupnagar, Punjab seeking declaration to the effect that the appellant and proforma respondent No.8 herein-defendant No.9 being legal heirs and entitled to receive all the monetary benefits accrued due to death of Parveen Singh to the extent of $\frac{1}{2}$ share and further praying for the relief of mandatory injunction directing the respondent No.4 to 7 to pay all the service benefits to the appellant and respondent No.8.

The trial Court vide order and judgment dated 28.11.2013 passed in Civil Suit No.RT-RT-52 allowed the prayer made by the appellant and concluded that the appellant was the first wife of Parveen Singh and Pinki was their daughter and thus they were entitled to receive the monetary benefits.

The decision of the trial Court was challenged before the Additional District Judge. Vide order dated 28.11.2014 in Civil Appeal No.8/4.1.2014 the appeal filed by

respondent No.1 to 3 herein was dismissed and the order of the trial Court was upheld.

In appeal, the High Court vide judgment and order dated 11.01.2018 in RSA No.4171 of 2015 disposed of the appeal of respondent NO.1 to 3. Hence the appeal.

Admittedly, Phoolma Devi is the first legally wedded wife of the deceased Parveen Singh. The plaintiff filed a suit for seeking declaration to the effect that she and defendant No.9-Pinki, her daughter, are entitled to receive all the monetary benefits accrued on the death of Parveen Singh from defendant Nos.2 to 5. Defendant No.6-Shaini Devi claimed marriage with the deceased employee during the survival of the first marriage with the plaintiff-appellant Phoolma Devi. The marriage of the deceased employee with Phoolma Devi had not been dissolved.

By virtue of the fact that in certain nomination papers, the name of Shaini Devi was mentioned, dispute arose with respect to the dues payable by defendant Nos.2 to 5 i.e. Punjab State Electricity Board and others where the deceased was in employment.

After hearing learned counsel for the parties, we are of the opinion that during the subsistence of the first marriage, second marriage is void and the second wife-Shaini Devi has no right to the receive monetary benefits on the basis of such void marriage. The plaintiff-appellant herein as well as defendant No.9-Pinki are entitled to the service/retiral benefits of the deceased.

Accordingly, the appeal is allowed.

However, this determination would not affect any other property dispute, if any, between the parties.

..... J.

[ARUN MISHRA]

..... J.

[NAVIN SINHA]

NEW DELHI;

APRIL 24, 2019.

ITEM NO.12

COURT NO.4

SECTION IV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition (s) for Special Leave to Appeal (C) No.13045/2018

(Arising out of impugned final judgment and order dated 11-01-2018 in RSA No.4171/2015 passed by the High Court of Punjab & Haryana at Chandigarh)

PHOOLMA DEVI

Petitioner(s)

VERSUS

BIKRAM SINGH & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.72793/2018-EXEMPTION FROM FILING O.T.)

Date : 24-04-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE NAVIN SINHA

For Appellant(s) Mr. Hussain Syed Mehdi, Adv.
 Mr. R.S. Mishra, Adv.
 Mr. Alok Shukla, AOR
 Mr. Rushi Khan, Adv.

For Respondent(s) Ms. Zehra Khan, Adv.
 Mr. Karan Bahrihoke, AOR

 Mr. Sibbo Sankar Mishra, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application stands disposed of.

(ASHA SUNDRIYAL)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER

[signed order is placed on the file]