

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.9048 OF 2019
(Arising out of SLP (C) No.5991/2015)

DEWANTI DEBI

Appellant(s)

VERSUS

USA DEBI & ORS.

Respondent(s)

O R D E R

Leave granted.

This appeal arises out of judgment and order dated 17.11.2014 passed by the High Court of Calcutta in C.O.No.3484 of 2014.

The controversy in the present case revolves around certified copy of decree dated 09.07.1986 passed by Special Judge, Family Court, Baliya in O.S. No.20 of 1985. The attempt on part of the present appellant to produce the certified copy of said order at the appellate stage in the present proceedings was not successful. Consequently, the challenge was raised before the High Court by way of C.O. No.3484 of 2014. The High Court having rejected the challenge, the present appeal questions the order of rejection.

The basic issue involved in the matter is about the status of respondent No.1 herein whether she was a lawfully wedded wife. Since the matter concerns status of the parties, in our view, every possible opportunity must be afforded to the parties to place such documents on record on which they wish to place reliance in support of their case.

In our view, the Courts below have erred in rejecting the prayer made by the present appellant.

We, therefore, allow this appeal and permit the present appellant to place on record certified copy of the decree dated 09.07.1986 passed by Special Judge, Family Court, Baliya in O.S. No.20/1985.

It must be stated that the observations made herein are only from the point whether the appellant be allowed opportunity to rely on the document before the Courts below or not.

The entire matter shall be considered purely on merits, uninfluenced by any observations made by this Court.

The Civil Appeal is allowed. No costs.

.....J.
[UDAY UMESH LALIT]

.....J.
[INDU MALHOTRA]

New Delhi,
November 26, 2019

ITEM NO.17

COURT NO.6

SECTION XVI

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

Civil Appeal No(s). 9048/2019

Petition for Special Leave to Appeal No.5991/2015
(Against the judgment and final order dated 17.11.2014 passed by
the Hon'ble High Court at Calcutta in C.O. No.3484 of 2014)

DEWANTI DEBI

Appellant(s)

VERSUS

USA DEBI & ORS.

Respondent(s)

Date : 26-11-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MS. JUSTICE INDU MALHOTRA

For Appellant(s)

Mr. Farrukh Rasheed, AOR

For Respondent(s)

Ms. Reena Pandey, Adv.
Mr. Raj Bahadur Yadav, AOR

Mr. Anurag Pandey, AOR
Ms. Shyamali Das, Adv.
Ms. Manjulika Pal, Adv.

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

Leave granted.

The Civil Appeal is allowed in terms of the signed order.

Pending applications, if any, shall also stands disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(SUMAN JAIN)
BRANCH OFFICER

(signed order is placed on the file)