

ITEM NO.9 Court 7 (Video Conferencing) SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 18169/2020

(Arising out of impugned final judgment and order dated 21-11-2019 in SA No. 600/2002 passed by the High Court Of Judicature At Allahabad)

GOSWAMI HARBANS LAL (SINCE DECEASED) Petitioner(s)
THROUGH MAYA DEVI

VERSUS

PREM CHAND SHARMA Respondent(s)

(IA No.88236/2020-CONDONATION OF DELAY IN FILING and IA No.88237/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.88238/2020-EXEMPTION FROM FILING O.T.)

Date : 17-11-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(S) Mr. Akhil Sibal, Sr. Adv.
Mr. Vivek Sharma, Adv
Ms. Nitya Gupta, Adv
Mr. Vivek Narayan Sharma, AOR

For Respondent(s)

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

Delay condoned.

Goswami Harbans Lal (since deceased) filed a suit for divorce seeking dissolution of marriage with Gulab Devi. The suit was decreed on 30.03.1991. Gulab Devi filed an appeal against the judgment and decree dated 30.03.1991 in

which it was contended that Harbans Lal married Maya Devi in 1959, after the Hindu Marriage Act, 1955 came into force and therefore, his marriage with Maya Devi was null and void. The first Appellate Court recorded a finding that the marriage between Goswami Harbans Lal and Maya Devi was void *ab initio*.

Aggrieved by the observations made by the first Appellate Court regarding her marriage with Goswami Harbans Lal, Maya Devi filed Regular Second Appeal before the High Court. The High Court disposed of the appeal by observing that there is no stigma cast on Maya Devi by the observations made by the first Appellate Court. The High Court also found no fault with the judgment of the first Appellate Court which was rendered after appreciation of evidence. However, the High Court recorded a finding that Maya Devi cannot claim any right.

We do not see any reason to interfere with the order of the High Court in relation to the findings recorded relating to the marriage between Goswami Harbans Lal and Gulab Devi. However, the observations pertaining to rights of Maya Devi are not germane to the dispute in this case which pertains to the dissolution of marriage between Harbans Lal and Gulab Devi. The petitioner-Maya Devi is at liberty to exercise her rights in accordance with law.

The special leave petition stands disposed of with

the above clarification. Pending application(s), if any, shall stand disposed of.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master