

Court No. - 81

Case :- WRIT - C No. - 33619 of 2023

Petitioner :- Pooja Kumari And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ramesh Kumar Singh

Counsel for Respondent :- CSC,Ram Mohan

Hon'ble Mrs. Renu Agarwal,J.

1. Matter is taken up. None appeared for the petitioners to press this writ petition. Shri Ram Mohan, learned counsel appearing for Anita Kumari, first wife of the petitioner No. 2 and learned Standing Counsel are present.

2. Instant writ petition under Article 226 of the Constitution has been filed by the petitioners with prayer for issuing writ, order or direction in the nature of mandamus the respondents to protect the life and liberty of the petitioners.

3. It is submitted by Shri Ram Mohan learned counsel appearing on behalf Anita Kumari submitted that the petitioner No. 2 has already been married to his client Anita Kumari. Aadhar Card of Anita Kumari has also been produced in which name of petitioner No. 2 is shown as the husband Anita Kumari. Hence, it transpires that the aforesaid Anita Kumari is the wife of petitioner No. 2.

4. Learned Standing Counsel has passed on to this Court the

application moved by the petitioner No. 1 to Superintendent of Police, Kasganj for protection. A perusal of the aforesaid application goes to show that the petitioner No. 1 is also the legally wedded wife of one Pushpendra Kumar. Thus, it transpires that both the petitioners are already married.

5. Heard the counsel for Anita Kumari, learned Standing Counsel and perused the record.

6. From the perusal of paragraph-5 affidavit produced in support of the writ petition it is clear that the petitioner No. 1 performed her matrimonial duties with the respondent No. 4 and from wedlock of petitioner No. 1 and respondent No.4 two children have been born. There is nothing on record to show that the petitioner No. 1 has obtained decree of divorce from the court of competent jurisdiction, thus, the petitioner No. 1 is still the wife of the aforesaid Pushpendra. It is also pertinent to mention here that petitioner No. 2 has not disclosed anything about his previous marriage in the writ petition. Learned counsel appearing on behalf of Anita Kumari has produced copy of Aadhar card in which the name of petitioner No. 2 is mentioned as the husband of Anita Kumari, hence at this stage both the petitioners are already married to someone else and had not obtained divorce from their respective spouse. The Court cannot support such type of relationship which

are in contravention of law. As per the Hindu Marriage Act, if spouse of a person is alive or before obtaining decree of divorce a persons cannot get married with another person. If such type of relationship gets the support of Court, it will create chaos in the society and will destroy the social fabric of our country.

7. In view of the aforesaid discussions, this Court do not find any merit in this writ petition.

8. The writ petition is accordingly dismissed with costs of Rs. 2000/- which shall be deposited with the Allahabad High Court Mediation and Conciliation Centre, Allahabad within 15 days from today.

(Renu Agarwal,J.)

Order Date :- 22.2.2024
Nadeem