

Anjali Vs. Raja

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SooperKanoon Citation : sooperkanoon.com/1171892

Court : Delhi

Decided On : Nov-11-2014

Judge : Sunil Gaur

Appellant : Anjali

Respondent : Raja

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Decision:

11. h November, 2014 + MAT.APP.86/2010 ANJALI Appellant Through: Mr.Lalji Kumar, Advocate versus RAJA Through: Respondent Ms.Anshu Priyanka, Advocate CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

(ORAL) Appellants petition for declaring her marriage with respondent a nullity has been dismissed by trial court vide impugned judgment of 31st March, 2010 while holding as under:

Moreover from the photographs Ex.RW1/2 to Ex.RW1/9, it does not appear that petitioner was not in her senses at the time of her marriage or that she was under influence of some kind of intoxicant. Further the events which followed the alleged solemnization of marriage also create doubt regarding the case put forth by the petitioner. Even assuming petitioner and her parents came to know of the alleged marriage on 15.04.2008, though from above discussion, it is apparent that

concealment, if any, about the marriage was by the petitioner herself, even then it does not explain why neither the petitioner nor her parents made efforts to file any complaint against the respondent. The alleged refusal by the police officials at Dholpur and by MAT.APP.No.86/2010 Page 1 police official of PS Kashmere Gate was never brought to the notice of higher police authorities nor was it sought to be redressed by filing appropriate complaint or case in the Court, even though, the issue had direct bearing on the life of the petitioner. Thus, the case put forth by petitioner does not inspire any confidence and there are considerable discrepancies in statement of the witnesses as well as averments made by the petitioner to draw any conclusion that petitioner was not in a sound and conscious mind to give consent to marriage or that respondent had obtained her consent for marriage by playing fraud upon her and the petition is without any cause of action. Accordingly it is held that petition filed by the petitioner is without any cause of action and the petitioner has failed to prove that her consent for marriage was taken by fraud by the respondent. Both these issues are decided accordingly.

The factual background of this case already stands noticed in the opening paragraphs of the impugned judgment and needs no reproduction. At the hearing of this appeal, after addressing some arguments learned counsel for appellant has chosen not to press this appeal while highlighting that the marriage in question took place in March, 2008 and that the parties have not lived together even for a single day and there is irretrievable breakdown of marriage and so in this background, the marriage between the parties can be dissolved. It is submitted by learned counsel for appellant that the appellant is not ready to live with the respondent. Learned counsel for respondent MAT.APP.No.86/2010 Page 2 disputes that the parties have not lived together even for a single day and asserted that they had lived together for 3 or 4 days and respondent wants to live with the appellant. Be that as it may. Since the learned counsel for appellant had chosen not to press this appeal on merits, this appeal is disposed of as not pressed while making it clear that dismissal of this appeal will not stand in the way of appellant to avail of the remedies as available in law to get the marriage in question dissolved on the ground of irretrievable breakdown of marriage. (SUNIL GAUR) Judge NOVEMBER11 2014 mb MAT.APP.No.86/2010 Page 3