

**Lalita Devi Vs. Laxminarayan**

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**SooperKanoon Citation :** [sooperkanoon.com/511156](http://sooperkanoon.com/511156)

**Court :** Madhya Pradesh

**Decided On :** Sep-20-2007

**Reported in :** I(2008)DMC351

**Judge :** Abhay Gohil and ;Sheela Khanna, JJ.

**Appellant :** Lalita Devi

**Respondent :** Laxminarayan

**Disposition :** Appeal dismissed

**Judgement :**

**Abhay Gohil, J.**

1. Heard.

Family Court has dismissed application of the appellant under Section 27 of the Hindu Marriage Act, 1955 on the ground that no proceedings under Hindu Marriage Act are pending between the parties. The submission of the learned Counsel for the appellant is that the respondent husband had filed petition for divorce and that petition has been decreed by the Family Court and in that petition he had not filed any such application under Section 27 of the Hindu Marriage Act.

2. From the perusal of the provision of Section 27, it is clear that the application under Section 27 is not maintainable independently. As per Section 27 in any

pending proceeding under this Act the Court may make such provisions in the decree as it deems just and proper with respect to any property presented, at or about the time of marriage. The impugned order passed by Family Court appears to be justified, as under Section 27 of the Act no such independent application is maintainable. Thus, we do not find any illegality in the order passed by the Family Court. However, the appellant is free to avail the remedy available to her under the law.

Accordingly, this appeal is dismissed.

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