

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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2025:PHHC:083867-DB



FAO-M-170-2016 (O&M)
Date of decision: 11.07.2025

KULWINDER KAUR

..Appellant

Versus

RAJINDERPAL SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Mayank Mathur, Advocate
for the appellant.

Mr. Ranjit Saini, Advocate
for respondent.

* * * *

ANIL KSHETARPAL, J. (Oral)

1. Learned counsel for respondent (husband) has handed over three cheques of HDFC Bank drawn in favour of the appellant bearing No.000041, dated 26.05.2025, 000042 dated 26.05.2025 and 000044 dated 09.07.2025, total amounting to Rs.2,00,000/- towards arrears of maintenance *pendente lite*.

2. The appellant assails the correctness of judgment passed by Additional District Judge, Patiala, on 08.10.2015, wherein the respondent's petition filed under Section 11 of the Hindu Marriage Act, 1955 (in short '1955 Act') was allowed. The marriage between the appellant and respondent, which was solemnized on 20.02.2013 has been declared as nullity because she married during the subsistence of her first marriage as it was not dissolved by a decree of divorce on 20.02.2013. In fact, the appellant's marriage was dissolved by a decree of divorce on 21.03.2013. Hence, the second marriage of respondent with the appellant was during the



subsistence of first marriage of the appellant. On conjoint reading of Section 5 and 11 of '1955 Act', it becomes evident that the marriage of a spouse during the subsistence of previous marriage falls in the category of a void marriage in view of Section 5(i) of the '1955 Act'. Hence, the subsequent dissolution of previous marriage by decree of divorce on 21.03.2013 would not result in rectifying her second marriage because the second marriage is nullity/void ab initio

3. Hence, the present appeal is dismissed.

4. Learned counsel for the appellant submits that this Court should award the amount towards alimony to the appellant.

5. It may be noted here that in absence of material and complete information with regard to the income, assets and liabilities of both the parties, it would not be appropriate to pass order particularly when this aspect was never taken up in the Court of first instance.

6. However, the appellant, if so, advised and if law permits, may avail her independent remedy.

7. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

(ROHIT KAPOOR)
JUDGE

July 11th, 2025

Ayub

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No