

M 205/23

Order dated 23.04.24

Today is fixed for hearing of the maintainability point raised by OP.

Both party files hazira.

OP challenged the maintainability of this case alleging that petitioner without disclosing about her previous marriage got married to OP.

Ld Advocate of the petitioner in reply stated that petitioner has already got divorced from her first husband and then got married to the present OP and OP after knowing very well about her first marriage got married to her. So there is no question of non maintainability of this marriage.

Heard both sides.


Perused the copies of marriage certificate and copy of divorce of the previous marriage of the petitioner.

In this case OP did not state that he never got married to the present petitioner and also it is clear that petitioner before marrying the present OP already obtained divorce from her first husband so the point of maintainability of the present case does not arise and cannot be decided at this stage without trial. Hence the point of non maintainability of this present case raised by the OP stands rejected on contest.

OP is directed to file the asset declaration and WO, WS within the next date.

To 24/5/24 for interim hearing and WO, asset, WS in the meantime.

D&C By me

  
JM 5<sup>th</sup> Barrackpore.