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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAT.APP.(F.C.) 33/2024**

ANAMIKA SINGH

..... Appellant

Through: Dr L.S. Chaudhary with Dr Ajay Chaudhary, Ms Chanchal Sharma and Mr Bharat Chaudhary, Advocates.

versus

SANDEEP KUMAR

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **24.01.2024**

[Physical Hearing/Hybrid Hearing (as per request)]

CM No. 4430/2024

1. Allowed, subject to just exceptions.

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2. This is an appeal directed against the order dated 14.12.2023 passed by the learned Judge, Family Court, District Tis Hazari, Delhi.

3. Via the impugned order, the Family Court has rejected the appellant's application under Order XII Rule 6 of the Code of Civil Procedure, 1908 [in short, "CPC"].

4. The record, as presently made available to us, discloses that the respondent was previously married to another person, one Ms. Sangeeta.

5. According to the respondent, the marriage between him and Ms

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Sangeeta was not valid as she had a spouse living at the time she entered into matrimony with the respondent.

6. The record also indicates that a petition under Section 11 of the Hindu Marriage Act, 1955 [in short, “1955 Act”] has been filed by the respondent to seek annulment of his marriage with Ms. Sangeeta.

7. It is based on this rationale that the learned Judge, Family Court has rejected the appellant/wife’s application under Order XII Rule 6 of the CPC.

8. According to the Principal Judge, Family Court, since the earlier marriage between the respondent and Ms Sangeeta was not a valid marriage, the appellant could not seek annulment of her marriage with respondent by taking recourse to the provisions of Section 11 of the 1955 Act.

9. The appeal raises an interesting question of law, and therefore, in our view, requires examination.

10. Issue notice to the respondent via all permissible modes including email.

10.1. In addition thereto, liberty is given to serve the respondent through the counsel who appeared for the respondent before the Family Court.

11. List the matter on 29.04.2024.

RAJIV SHAKDHER, J

AMIT BANSAL, J

JANUARY 24, 2024/rt

Click here to check corrigendum, if any

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