

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****RSA No.179 of 2024****Decided on: 06.05.2026**

Hans Raj

.Appellant

Versus

Maya Devi

...Respondent

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*Coram***Hon'ble Mr. Justice Romesh Verma, Judge***Whether approved for reporting?*

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For the appellant: Mr. G.R. Palsra, Advocate.

For the respondents: Ex parte.

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**Romesh Verma, Judge(oral)**

The present regular second appeal arises out of judgment and decree as passed by learned District Judge, Mandi, dated 03.06.2024, whereby the appeal filed by the present appellant was dismissed and the judgment and decree as passed by learned Civil Judge, Court No.3, Mandi, was ordered to be affirmed.

2. The brief facts of the case are that the plaintiff/appellant has filed a suit for declaration, with consequential relief of an injunction under Sections 34 to 38 of the Specific Relief Act against the present respondent/defendant. As per the averments as made in the plaint, it has been stated that present appellant/plaintiff is a bachelor, who has not solemnized the



marriage and is residing with his parents. The respondent/defendant, after practicing fraud and misrepresenting the facts, managed to execute affidavit of marriage in her favour as per affidavit dated 22.01.2020 before the Notary Public. The plaintiff/appellant has neither consented to such marriage nor solemnized it anywhere on the premises of Tarna Temple, Mandi, on 22.01.2020. The plaintiff, who is unmarried, was undergoing JBT training at DIET Shimla, where the defendant managed to contact him by sending a fake ID. As per alleged affidavit of marriage, the defendant managed to get tampering of writing by adding her actual status of marriage in the absence of the plaintiff. Therefore, a suit was filed for declaration that there is no marital tie between the parties and that the alleged marriage affidavits are the result of fraud and misrepresentation of facts, just to decoy the plaintiff.

3. Plaintiff prayed that the alleged affidavits of marriage be declared null and void. That there is no solemnization of marriage in accordance with Hindu rites and ceremonies, therefore, the said alleged marriage be declared null and void. Consequently, it was prayed that the defendant be restrained from claiming or proclaiming to be the wife of the plaintiff.



4. The suit was contested by the defendant/respondent by refuting all the allegations as made in the plaint.

5. Learned trial Court framed the issues on 06.06.2022 in the following manner:

1. Whether Plaintiff is entitled to a decree of declaration that there are no marital ties between the parties and alleged marriage affidavits be declared null and void, on account of fraud, misrepresentation, as prayed for?. ...OPP
2. Whether Plaintiff is entitled to the consequential relief of injunction to restrain defendant from claiming plaintiff to be her husband, as prayed for?.  
OPP
3. Whether the suit of Plaintiff is not maintainable in the present form, as alleged?...OPD
4. Whether suit is bad for want of cause of action, as alleged? ....OPD.
5. Whether plaintiff is estopped by his own conduct to file present suit, as alleged? ....OPD
6. Whether the Court does not exercise the jurisdiction to try and entertain the present suit, as alleged? ....OPD
7. Relief.

6. The learned trial Court directed the parties to adduce evidence in support of their contentions. Subsequently, vide its judgment and decree dated 15.01.2024, the suit filed by the plaintiff was ordered to be dismissed.



7. Feeling dissatisfied, the plaintiff preferred an appeal in the Court of learned District Judge, Mandi on 21.02.2024. The learned first appellate Court, vide its judgment and decree dated 03.06.2024, affirmed the findings, as returned by the learned trial Court.

8. The learned trial Court dismissed the suit on the ground that it does not have jurisdiction to try the matter and grant the relief of declaration that the marriage be declared as null and void. Other issues were decided in affirmative.

9. Feeling dissatisfied, the plaintiff has approached this Court by filing the instant regular second appeal. This Court issued notice to the respondent on 17.07.2024. On 12.08.2024, when the case was listed, the Registry reported that the sole respondent stand duly served. Consequently, she was proceeded against *ex-parte*. Thereafter, the case was listed on 24.10.2024 and the appeal was admitted.

10. Today, when the case was fixed for consideration, the learned counsel for the appellant/plaintiff seeks permission to withdraw the suit, as well as the instant regular second appeal filed by the plaintiff, with liberty to avail appropriate remedy under the relevant provisions of law before the competent Court of law. The plaintiff/appellant submits that he intends to approach the



Court of competent jurisdiction to avail the legal remedy. Accordingly, the plaintiff/appellant is permitted to withdraw the suit, which was filed before the learned trial Court, with liberty to file afresh, in accordance with law in a competent Court of law under the relevant provisions of law.

11. Consequently, the present appeal is dismissed as having been withdrawn, with liberty as prayed for.

**( Romesh Verma )  
Judge**

**May 06, 2026**  
(vt)