

IN THE HIGH COURT OF JHARKHAND AT RANCHI
F.A No.48 of 2020

Suchitra Kumari			Appellant
-Versus-			
Sanjay Kumar Shashi & Ors.			Respondents

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant	: Mrs. Sonali Bhattacharjee, Advocate
For the Respondent	: Mr. Mahesh Tiwari, Advocate
For the Resp.-UOI	Mr. Anil Kumar, ASGI
	: Mrs. Niki Sinha, CGC

Order No.26/Dated: 17th July, 2025

1. Reference is made to the order dated 02nd July, 2025 which reads as under:-

- "1. The present appeal has been preferred against the order passed by learned Family Judge by allowing the application filed under Section 9 of the Hindu Marriage Act, 1955.
2. It appears from the orders passed by the Coordinate Bench and this Court also that the appellant-wife does not want to stay with the husband and wants a divorce from him.
3. It further appears from the order dated 25.04.2025 that the appellant-wife has shown her willingness for mutual divorce subject to payment of permanent alimony for her survival.
4. It was also submitted before this Court that the respondent-husband is working in Oil & Natural Gas Corporation (ONGC) as System Manager having good salary.
5. Mr. Mahesh Tewari, learned counsel appearing for the respondent-husband, on that date, took time to seek instruction in the matter and to file joint application for the same.
6. The matter, thereafter, was listed but no affidavit in terms of the order dated 25.04.2025 was filed on behalf of the respondent-husband. Rather, Mr. Mahesh Tewari, learned counsel appearing for the respondent-husband has sought for ten days' time to file affidavit showing the net-worth along with monthly/annual income, which he is getting supported by the relevant documents.
7. But, no affidavit was filed and, as such, this Court was constrained to direct for personal appearance of the respondent-husband.
8. The respondent-husband has appeared in pursuance to the said order.
9. This Court has put a query as to why the affidavit has not been filed. He has given no response. Even Mr. Mahesh Tewari, learned counsel for the respondent-husband has given no response informing the reason for not filing the affidavit, rather, he has submitted that the respondent-husband is present in the Court.

10. This Court has repeatedly asked the net income of the respondent-husband, but, the husband pointblank has refused to apprise this Court about his net income which he is getting through salary and other details of property.
11. The conduct of the respondent-husband has been considered to be improper by this Court that too when he is a public servant working in a Government of India undertaking.
12. The affidavit was sought to be filed by the learned counsel appearing for the respondent itself as would be evident from the order dated 25.04.2025 at paragraph-4.
13. Once the time has been taken by the learned counsel appearing for the respondent-husband to file affidavit and second time also adjournment was sought for but non-filing of affidavit in terms of the submission made by learned counsel for the concerned litigant, amounts to evading the factual aspect to present before the Court for passing appropriate order.
14. In order to have the details about the salary and networth of the respondent-husband, this Court thought it proper to implead the employer of the respondent-husband as party to the proceeding.
15. This Court even has asked the respondent-husband to furnish the details of the employer but he has refused even to give the details of the employer.
16. This Court is having no option but to implead the Ministry of Petroleum and Natural Gas, Government of India, New Delhi under which the establishment, i.e., Oil and Natural Gas Corporation, comes, as party to the proceeding through its Secretary.
17. Learned counsel appearing for the appellant-wife is directed to implead the Union of India and Secretary, Ministry of Petroleum and Natural Gas, Government of India, New Delhi as party to the proceeding as Respondent Nos. 2 and 3 respectively.
18. Let the necessary addition be made in course of the day.
19. Such order has been required to be passed keeping the fact into consideration that the appellant-wife is suffering from nephro disease and she has undergone kidney transplantation also which fact has not been disputed either by the learned counsel for the respondent-husband or the husband who is present physically in the Court.
20. The contention since has been made by the learned counsel appearing for the appellant-wife that she is in dire need of money for post-operational complications and follow up treatment as also for her survival.
21. Since the concerned Ministry is to be represented by learned Additional Solicitor General of India, as such, the copy of this memo of appeal be also served upon learned A.S.G.I. which shall be served by the learned counsel for the appellant by Monday, i.e., 07.07.2025.
22. Let the name of learned A.S.G.I. be reflected in the daily cause list.
23. The Secretary, Ministry of Petroleum and Natural Gas, Government of India, New Delhi is to ensure the details of the salary of the respondent-husband in terms of the judgment passed by Hon'ble Apex Court in the case of Rajneesh Vs. Neha & Anr., reported in (2021) 2 SCC 324, which shall be filed by way of an affidavit through learned A.S.G.I.
24. Let this matter be listed on 17.07.2025.
25. The respondent-husband will remain physically present on the next date of hearing."

2. Mrs. Niki Sinha, learned Central Government Counsel has submitted that she has received a copy of the order dated 02.07.2025 which has been served by the learned counsel appearing for the appellant-husband, but the copy of the memo of appeal, since, has not been provided, no communication could

have been made to the concerned Ministry of Petroleum and Natural Gas, Government of India.

3. Learned counsel appearing for the appellant has submitted that she had gone to the Office of the learned ASGI but the same has not been received. However, the said fact has been disputed by the learned CGC.

4. Be that as it may, now the copy of memo of appeal has been served upon the learned CGC, who ensures that notices will be affected upon the newly impleaded respondent and whatever instruction will be received, the same will be brought on record by filing an affidavit.

5. Learned CGC for the same has sought for two weeks' time.

6. Time, as sought for, is allowed.

7. Accordingly, let this matter be listed on 04.08.2025 so that the order dated 02.07.2025 can be complied positively.

8. The respondent-husband is present before this Court today in terms of the order dated 02.07.2025. His further presence is hereby, dispensed with.

(Sujit Narayan Prasad, J.)

(Rajesh Kumar, J.)