

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGSWrit Petition(s) (Civil) No(s). 348/2022

BENAZEER HEENA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(IA No. 310300/2025 - APPLICATION FOR PERMISSION, IA No. 298784/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 92420/2023 - EXEMPTION FROM FILING O.T., IA No. 19810/2026 - INITIATING CONTEMPT PROCEEDINGS, IA No. 308678/2025 - INTERVENTION/IMPLEADMENT, IA No. 19962/2026 - INTERVENTION/IMPLEADMENT, IA No. 311477/2025 - INTERVENTION/IMPLEADMENT, IA No. 310573/2025 - INTERVENTION/IMPLEADMENT and IA No. 297603/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

W.P.(C) No. 603/2022 (PIL-W)

W.P.(C) No. 878/2022 (PIL-W)  
(IA No. 29894/2023 - AMENDMENT OF THE PETITION)

W.P.(C) No. 928/2022 (PIL-W)  
(FOR CONDONATION OF DELAY IN FILING THE SPARE COPIES ON IA 316334/2025)

W.P.(C) No. 954/2022 (PIL-W)

W.P.(C) No. 995/2022 (PIL-W)  
(IA No. 171736/2022 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 351/2023 (PIL-W)

Diary No(s). 11826/2023 (II-A)  
(IA No. 74531/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

W.P.(C) No. 519/2023 (PIL-W)

Date : 11-02-2026 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s): Ms. Bharti Tyagi, AOR  
Mr. Vikash Kumar, Adv.

Mr. Anantha Narayana M.g., AOR  
Mr. Ashwani Kumar Upadhyay, Adv.

Mr. Ashwini Upadhyaya, Adv.  
Mrs. Rajshri Dubey, Adv.  
Mr. Ashutosh Dubey, AOR  
Mr. Abhishek Chauhan, Adv.  
Mr. Nikhil Upadhyaya, Adv.  
Mr. Amit Shahi, Adv.  
Mr. Anjan Datta, Adv.  
Mr. Rishabh Bhardwaj, Adv.  
Mrs. Rekha Chaudhary, Adv.  
Mr. Anirban Tripathi, Adv.  
Mr. Rahul Sethi, Adv.

Ms. Shobha Gupta, Sr. Adv.  
Mr. Deepak Prakash, AOR  
Mr. Sriram P., Adv.  
Ms. Jyoti Pandey, Adv.  
Ms. Divyangna Malik, Adv.  
Mr. Rahul Suresh, Adv.  
Ms. Shivangi Rajawat, Adv.  
Mr. Rahul Rajeev, Adv.  
Ms. Manshi Sinha, Adv.  
Ms. Ridhika Singh, Adv.  
Mr. Sankalp Tewari, Adv.  
Mr. Azim Basheer, Adv.

Dr. Syed Rizwan Ahmed, Adv.  
Mr. Pulkit Agarwal, AOR  
Mr. Siddharth Jain, Adv.  
Mr. Ravi Dev Dwivedi, Adv.  
Mr. Sudhanshu Kaushesh, Adv.  
Mr. Anubhav Lamba, Adv.  
Mr. Alok Abhinav, Adv.  
Mr. Sudhanshu Kumar, Adv.  
Mr. Rajat Kumar, Adv.  
Mr. Bhupendra Kushwaha, Adv.

Mr. Subhash Jha, Adv.  
Mr. Anoop Prakash Awasthi, AOR  
Mr. Shubham Dubey, Adv.  
Mr. Rushikanta Dash, Adv.  
Ms. Jasleen Kaur, Adv.

Ms. Vandana Sharma, AOR  
Ms. Vandana Sharma Bhandari, Adv.  
Mr. Mohit Chaurasia, Adv.  
Ms. Karishma Seth, Adv.

Mr. Sandeep Singh, AOR

Mr. Aditya Sharma, AOR

Ms. Aditi, Adv.

Ms. Varishti, Adv.

In IA No.311477/2025

in W.P. (C) No.348/2022

Ms. Goldy Goyal, AOR

Mr. Harsh Gupta, Adv.

For Respondent(s): Mr. Tushar Mehta, Solicitor General

Mr. K.M. Nataraj, A.S.G.

Mr. Sharath Nambiar, Adv.

Mr. Sharath Nambiar, Adv.

Mr. Vinayak Sharma, Adv.

Mr. Vinayak Sharma, Adv.

Mr. Rajat Nair, Adv.

Mr. Rajat Nair, Adv.

Mr. Kanu Agrawal, Adv.

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Ms. Sansriti Pathak, Adv.

Ms. Sansriti Pathak, Adv.

Mr. Rajan Kr. Chourasia, Adv.

Ms. Shraddha Deshmukh, Adv.

Mr. Shailesh Madiyal, Adv.

Mr. Mayank Pandey, Adv.

Mr. Vivek Narayan Sharma, Adv.

Mr. Aman Mehta, Adv.

Mr. Shiv Mangal Sharma, Adv.

Dr. N. Visakamurthy, AOR

Ms. Vanshaja Shukla, AOR

Mr. Siddhant Yadav, Adv.

Mr. K. M. Nataraj, A.S.G.

Mr. Abhaid Parikh, AOR

Mr. Vinayak Sharma, Adv.

Ms. Devika, Adv.

Mr. Farrukh Rasheed, AOR

Ms. Shifa, Adv.

Mr. Seraj Ahmed, Adv.

Mr. Tanveer Ahmed Khan, Adv.

Ms. Madhumita Bhattacharjee, AOR

Mr. Dhruv Bhalla, Adv.

Mr. B Jagat Nayan, Adv.

Ms. Debarati Sadhu, Adv.

Ms. Rashmi Prava Mohanty, Adv.

Mr. M R Shamshad, Sr. Adv.  
Mr. Shashank Singh, AOR  
Mr. Arijit Sarkar, Adv.  
Ms. Prapti Shrivastava, Adv.  
Mr. S Islam, Adv.

Mr. S.K. Pandey, Adv.  
Mr. Chandrashekhar A. Chakalabbi, Adv.  
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Ms. Sultana Sonawane, Adv.  
Mr. David A., Adv.  
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Ms. Shweta Sinha, Adv.

Ms. Bharti Tyagi, AOR  
Mr. Ashwini Kumar Upadhyay, Adv.  
Mr. Nikhil Upadhyay, Adv.  
Mr. Vikash Kumar, Adv.

Mr. Aditya Sharma, AOR  
Ms. Aditi, Adv.

Mr. Talha Abdul Rahman, AOR  
Mr. M Shaz Khan, Adv.  
Mr. Sudhanshu Tewari, Adv.  
Mr. Faizan Ahmed, Adv.

Mr. Pradeep Kumar Rai, Sr. Adv.  
Ms. Modoyia Kayina, Adv.  
Mr. Vinay Kumar Rai, Adv.  
Mrs. Rajshree Rai, Adv.  
Mr. Paras Chauhan, Adv.  
Mr. Parimal Rai, Adv.  
Mr. Shreyansh Singh, Adv.  
Mr. Ranjeet Kumar, Adv.  
Mr. Vaibhav Agarwal, Adv.  
Mr. Samyak Mordia, Adv.  
Mr. Virendra Singh, Adv.  
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Mr. Ejaz Maqbool, AOR  
Ms. Rashda Suhail, Adv.  
Mr. Zain Maqbool, Adv.  
Mr. Meeran Maqbool, Adv.  
Mr. Saif Zia, Adv.

Mr. Mohd. Aqil Khan, Adv.

Mr. Nizam Pasha, Adv.

Mr. Zulfiker Ali P. S, AOR

Mr. Faisal M. Aboobacker, Adv.

Ms. Lakshmi Sree P., Adv.

Mr. Shifaz R Dheen, Adv.

Ms. Lebina Baby, Adv.

Mr. Achintya Tiwari, AOR

Ms. Saloni Sharan, Adv.

Ms. Ritu Dubey, Adv.

Ms. Nivedita Krishnan, Adv.

Mr. C. Solomon, Adv.

Mr. Sudesh Kumar, Adv.

Mr. Vinayak Mohan, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Writ Petition(s) (Civil) No(s). 348/2022

1. In the midst of the hearing of the main case as well as the contempt proceedings initiated by the writ-petitioner, Benazeer Heena against her stated husband, Mr. Yusuf Naqi (respondent No.9), Advocate, we find that there is an urgent and dire necessity of referring the parties to mediation for finding out an amicable solution with the help of a senior Mediator, which may lead to a consequential agreeable dissolution of their marriage or some other alternative resolution.

2. Upon our suggestion, the parties have fairly agreed to go for mediation. Keeping the complex issues involved in the dispute and the background of this case in mind, we request Justice Kurian Joseph, a former Judge of this Court, to act as the sole senior mediator between the parties. The parties/their counsel are directed to contact Justice Kurian Joseph by tomorrow i.e., 12.02.2026 and fix a date for initiation of mediation. The parties

will remain present in person as and when required by Justice Kurian Joseph.

3. The honorarium for mediation etc. will be fixed later on.

4. We request Justice Kurian Joseph to make an endeavour to resolve the dispute within four weeks. Post this matter for further consideration on 19.03.2026.

5. We further direct that in view of the mediation proceedings having been initiated between the parties, the earlier *Talaqs* alleged to have been issued by respondent No.9 shall remain in abeyance.

IA No.168885/2023 in Writ Petition(s) (Civil) No(s). 348/2022

6. We do not find any ground to entertain this application. The same is, accordingly, dismissed as being not maintainable. The applicant Nos.2 to 6 are, however, granted liberty to file their separate writ petitions before this Court for seeking redressal of their individual grievances. Similarly, applicant No.1-Foundation shall also be at liberty to file a separate writ petition, if so advised. Consequently, respondent Nos.11 to 14 (in Writ Petition(s) (Civil) No(s). 348/2022) are also ordered to be deleted from the array of respondents.

7. In case applicant Nos.2 to 6 do not have sufficient financial means to approach this Court, we direct the Supreme Court Legal Services Committee to provide free legal aid to them - that will include the Advocate on Record as well as a senior counsel, for which the fee and expenditure shall be borne by the Supreme Court Legal Services Committee.

8. The writ-petitioner herein - *Aasma*, is an illiterate woman and home maker. She is stated to be a victim of unilateral extra-judicial *Talaq E-Hasan*. Several allegations are made against her stated husband/respondent No.9 with whom she got married on 26.05.2021. Notice was issued by this Court previously, and as per the Office Report, service is complete. However, respondent No.9 has not entered appearance either in person or otherwise.

9. In such circumstances, in the light of the allegations made by the petitioner which have clearly not been controverted by respondent No.9 before this Court, and in the peculiar facts and circumstances of this case, we stay operation of the alleged *Talaq E-Hasan* issued to the writ-petitioner by respondent No.9 for the purpose of divorcing her. Having held so, we further direct that the petitioner and respondent No.9 shall be deemed to be a validly married couple unless respondent No.9 comes forward and shows that a lawful *Talaq* has been issued on his end. We further direct the SHO of the Police Station Karawal Nagar, North East Delhi to find out the whereabouts of respondent No.9 and ensure his presence before this Court on the date fixed.

10. List on 19.03.2026.

11. The Registry is directed to de-tag all the matters and list them at independent serial numbers along with copies of the ROPs of that very case only. However, all the cases shall be listed on the same date and in seriatim as per writ number assigned to each case.

W.P.(C) No. 603/2022

12. This matter is similar to that of W.P.(C) No. 928/2022. Accordingly, in this matter also, we stay operation of the alleged *Talaq E-Hasan* issued to the writ-petitioner by respondent No.10 for the purpose of divorcing her. Having said that, we direct that the petitioner and respondent No.10 shall be deemed to be a validly married couple unless respondent No.10 comes forward and show that a lawful *Talaq* has been issued. We further direct the SHO of the Police Station Ashoka Marg, Nashik, Maharashtra to find out the whereabouts of respondent No.10 and ensure his presence before this Court on the date fixed.

13. List on 19.03.2026.

W.P.(C) No. 351/2023

14. In this petition as well, respondent No.9 - the stated husband of the petitioner is not served. As per memo of parties, he is serving in the Indian Air Force. Let fresh notice be issued to respondent No.9, returnable on 19.03.2026.

15. The petitioner may, if feasible, serve respondent No.9 through *dasti* notice also.

16. Lastly, the Registry is directed to de-tag all the matters and list them at independent serial numbers along with copies of the ROPs of that very case only. However, all the cases shall be listed on the same date and in seriatim as per writ number assigned to each case.

(NITIN TALREJA)  
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)  
ASSISTANT REGISTRAR