

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSCIVIL APPEAL NO(S).2536/2019

SUKHDEV SINGH

Appellant(s)

VERSUS

SUKHBIR KAUR

Respondent(s)

[HEARD BY: HON. ABHAY S. OKA, HON. AHSANUDDIN AMANULLAH AND HON. AUGUSTINE GEORGE MASIH, JJ.]
(IA No. 68654/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

C.A. No. 5726/2019 (IV)

Date : 12-02-2025 These matters were called on for pronouncement of judgment today

For Appellant(s): Mr. Rajesh Aggarwal, AOR
Mrs. Mridul Aggarwal, Adv.
Mr. Akash Karanwal, Adv.
Mr. Shubham Chandel, Adv.

For Respondent(s): Ms. Mahalakshmi Pavani, Sr. Adv.
Mr. Naresh Kumar, AOR
Mr. Neeleshwar Pavani, Adv.
Ms. Shaurya Mishra, Adv.

Hon'ble Mr. Justice Abhay S. Oka pronounced the reportable judgment of the Bench comprising His Lordship, Hon'ble Mr. Justice Ahsanuddin Amanullah and Hon'ble Mr. Justice Augustine George Masih.

The operative part of the reportable judgment reads thus:

"28. Accordingly, we answer the questions as follows:

a. A spouse whose marriage has been declared void under Section 11 of the 1955 Act is entitled to seek permanent alimony or maintenance from the other spouse by invoking Section 25 of the 1955 Act. Whether such a relief of permanent alimony can be granted or

not always depends on the facts of each case and the conduct of the parties. The grant of relief under Section 25 is always discretionary; and

b. Even if a court comes to a prima facie conclusion that the marriage between the parties is void or voidable, pending the final disposal of the proceeding under the 1955 Act, the court is not precluded from granting maintenance pendente lite provided the conditions mentioned in Section 24 are satisfied. While deciding the prayer for interim relief under Section 24, the Court will always take into consideration the conduct of the party seeking the relief, as the grant of relief under Section 24 is always discretionary.

We direct the Registry to place these appeals before the appropriate Bench for the decision on merits."

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)

[THE REPORTABLE SIGNED JUDGMENT IS PLACED ON THE FILE]