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Vol.:13 | Issue:342 |

## Can A Hindu Marriage Be Dissolved By Compromise ?

New Delhi SLNS

The Allahabad High Court ruled that a marriage between two Hindus is governed by the Hindu Marriage Act and that it can not be dissolved by a compromise made during maintenance proceedings under Section 125CrPC. Instead, the marriage can only be dissolved by a competent court issuing an appropriate decree in accordance with the Act's provisions.

### Brief Facts:

An assistant teacher named Bhojraj Singh superannuated on June 30, 2012, and passed away on February 10, 2021. The appellant filed a claim for family pension on the grounds that she

was married to the late Bhojraj Singh and had been living as such for a number of years. She further claimed that although Bhojraj Singh had first married the private respondent Usha Devi, who was in a contest, the marriage did not work out, and the couple divorced. Usha Devi had started a proceeding under Section 125 Cr.PC., and after reaching a compromise, the parties had split up. Therefore, it was claimed that Usha Devi had no legal claim against the deceased employee once they had parted ways. The current appellant and the dead employee got married.

### Contentions of the Petitioner:

In his appearance on behalf of the appellant, learned counsel argued that the appellant's claim is clearly sustainable under the current circumstances because the prior marriage was dissolved through a compromise reached by the parties in a proceeding under Section 125 Cr.PC. Furthermore, it is argued that the opposing party to the dispute has already formally consummated the future marriage, mak-

The court declared that insofar as the proceedings under Section 125 Cr.PC. are concerned, they are about the payment of maintenance to the deserted wife.

ing the private respondent's claim to a family pension untenable.

### Contentions of the Respondent:

In this appeal, no further material has been filed, and the learned counsel for the respondent stated that the private respondent Usha Devi's plea of a second marriage was not pleaded in the writ. The learned counsel also agreed to make nebulous claims in this regard.

### Observations of the court:

The court observed that the issue that needs to be resolved given the circumstances of this case is whether Bhojraj Singh and Usha Devi's acknowledged marriage could be dissolved by a compromise in proceedings conducted in accordance with Section 125 Cr. PC. In addition, the question that would come up is whether the private respondent's claim may be dismissed because she entered into a second marriage. The court declared that insofar as the proceedings under Section 125

Cr.PC. are concerned, they are about the payment of maintenance to the deserted wife. The scope of the proceedings under Section 125 Cr.PC. is restricted, meaning that it only concerns determining the amount of maintenance. The court can not dissolve the parties' marriage during these proceedings because its jurisdiction is limited to determining the maintenance issue. The competent court's jurisdiction under Section 125 Cr.PC. cannot be extended to grant it the authority to issue a divorce order, even with the parties' cooperation. It is well-established in law that jurisdiction can not be granted by consent between parties if it is not otherwise granted by the law. The court declared that the parties involved are Hindu by religion and that their marriage would be governed by the provisions of the Hindu Marriage Act, 1955. Since the parties' marriage is governed by the Act of 1955, the only way to dissolve such a marriage is to have a competent court pass an appropriate decree in accordance with the Act's provisions, but no such decree has ever been passed by a competent court. It was also declared that a purported compromise between the parties could not have been the sole reason for the dissolution of their marriage.

Dr. Ajay noted advocate felicitated by Chamber Of Trade And Industries



New Delhi SLNS

In a momentous event held at the Delhi Vidhan Sabha, the Chamber of Trade and Industries (CTI) honored a noted Advocate of the Supreme Court of India for his exceptional legal contributions. The ceremony, graced by the presence of N D Gupta, a distinguished chartered accountant, former President of the Institute of Chartered Accountants of India, and a member of the Rajya Sabha, also marked the launch of a professional body encompassing Chartered Accountants (CAs), Cost and Management Accountants (CMAs), and Company Secretaries (CS).

The sidelines of the event witnessed the recognition of women entrepreneurs across various domains such as spa, beauty, wellness, e-commerce, and more. Malvika Sawhney, President of the Women's Council within CTI, emphasized the pivotal role of CTI in supporting women-led startups and business enterprises nationwide.

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## Can A Woman Be Removed From Her Married House ?

New Delhi SLNS

The Court made it clear that elderly persons have the right to live in peace, but it also stated that they can not use their rights in a way that violates a woman's domestic violence rights. According to a recent ruling by the Bombay High Court, a woman can not be forced to leave her married home and become homeless in order to give her aging in-laws some peace of mind.

Senior persons have the right to live in

peace, according to Justice Sandeep Marne, but they cannot use their rights in a way that violates a woman's rights under the Protection of Women from Domestic Violence Act, 2005. "Without a doubt, elderly residents have a right to live in their own home in harmony and without interference due to marital strife between the petitioner, a daughter-in-law, and her husband. However, the Court clarified that the Senior Citizens Act's machinery may not be utilized to undermine a woman's right under Section 17 of the DV Act. The statement was made by the Court in

the process of nullifying an order that had been granted by a tribunal under the Maintenance and Welfare of Parents and Senior Citizens Act. The petitioner, a woman, had been ordered to leave her marital home after her in-laws filed a complaint. The petitioner before the court and her spouse were living in the shared home of the petitioner's in-laws when they got married about 27 years ago. The pair was ordered to leave the apartment by the tribunal in 2023 due to marital conflict between the spouses.

## Court Quashed FIR To Promote 'Settlement' by consent

New Delhi SLNS

The Madhya Pradesh High Court rejected the husband's FIR, emphasizing that although future amicable resolution between the parties remained possible, the ongoing legal actions would only serve to exacerbate their enmity toward one another.

The Court observed that the complaint's "omnibus" claims are what prompted the FIR.

The accused, the petitioner's husband, filed a petition under Section 482 of the Cr.PC. asking for the complaint/respondent No. 2—the petitioner's wife—to have the FIR she filed dismissed for allegedly violating Sections 506 and 294 of the IPC. "There is a reasonable probability that the parties will eventually reach an



amicable settlement," ruled a bench of Justice Pranay Verma. But, their hostility toward one another would not decrease in any way as long as legal actions like the current one are ongoing, and halting legal actions like the current one would increase the likelihood of a settlement between them.

The prosecution stated that the complainant claimed that the petitioner had been

assaulting her, threatening her, and requiring money from her in order to get a divorce since 2017. The petitioner refuted these claims, claiming that because of ongoing marital problems, they were untrue and done with malice.

The Court observed that although allegations of abuse and threats were made, they were vague as to the exact dates, times, and places of

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the episodes. The Court also stated, "It is evident that no particular complaints in that regard have been leveled, despite respondent No. 2's allegations that the petitioner insults her, threatens her, and demands money from her for a divorce in court as well as in any gathering of friends. Respondent No. 2 has not provided the inci-

dent's date, time, or location. It hasn't even been specified when the aforementioned events might have occurred. Respondent No. 2 has provided an abstract statement regarding the petitioner's actions.

The Court further noted that the couples were still lawfully wed, that the Family Court was still handling custody issues, and that a settlement by consent might be possible. According to the Court's ruling, it is evident from the current dynamics between the petitioner and respondent No. 2 that respondent No. 2 filed the FIR solely with the intention of linking the petitioner to a different legal procedure in addition to the ongoing legal proceedings between them. It is on that count that she has simply made general accusations rather than making any particular ones.



# Dr. Ajay noted advocate felicitated by Chamber Of Trade And Industries

New Delhi SLNS

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**A**midst the celebrations, Vimal Jain, a renowned tax consultant and CA, was appointed as the President of the CA Council, promising unwavering support to entrepreneurs. The remarkable efforts of Priyanka Saxena, a CA who spearheaded the formation of a dedicated team of CAs, were also acknowledged and applauded by all attendees.

The event attracted a diverse audience, including CAs and women entrepreneurs from various regions such as Kota, Rajasthan, and Vishakhapatnam, Andhra Pradesh. Brijesh Goel, Founder Chairman of CTI, provided



insights into the chamber's activities and its commitment to addressing the concerns of small traders. He highlighted the chamber's evolution over the past eight years, during which it has unified over 700 trade associations and continues to expand its reach through specialized councils like the Women's Council, CA Council, and Holistic Council.

Dr. Ajay Kumar was appointed as the National Vice President of CTI, adding another distinguished figure to the organization's leadership. Dr. Kumar, a stalwart in championing the cause of business and entrepreneurs, brings with him a wealth of experience, having served in various leadership capacities such as Chairman of the Media Committee at the PHD Chamber of Commerce and Industry, Director of Media at India and China Trade Centre, and currently heading the India Australia Business Club. The event not only celebrated individual achievements but also underscored CTI's commitment to fostering an environment conducive to business growth and entrepreneurship. As CTI continues to expand its influence and support base, it reaffirms its position as a vital entity in India's economic landscape, bridging the gap for small traders and entrepreneurs nationwide.



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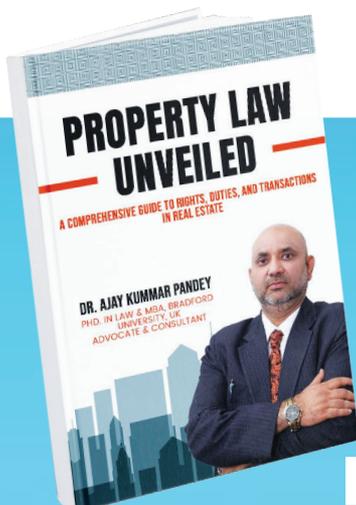
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# Safeguarding Judicial Independence: A Call to Action

emergence of pressure tactics employed by certain groups of lawyers, particularly in cases of political sensitivity. These allegations strike at the core of our judicial integrity and demand thorough investigation and remedial action.

The gravity of the situation has been acknowledged not only within legal circles but also by the highest echelons of leadership, including Prime Minister Narendra Modi, who has echoed the concerns raised by over 600 senior lawyers. Such a unified stance underscores the significance of preserving the integrity of our legal processes.

It is incumbent upon us, as custodians of the law, to uphold the principles of fairness, impartiality, and independence in all aspects of our judicial proceedings. Any attempt to subvert these principles undermines the very foundation of our democratic society.

Therefore, we call upon the Chief Justice of India to lead a comprehensive and impartial inquiry into the alleged pressure tactics. Such an inquiry is essential



to reaffirm public trust in the judiciary and ensure that justice is administered without fear or favor.

Furthermore, it is incumbent upon every member of the legal fraternity to remain steadfast in upholding the highest standards of integrity and professionalism. We must resist any attempts to compromise the independence of our judiciary and stand firm in our commitment to the rule of law.

As we navigate through these challenging times, let us remember that the

strength of our democracy lies in the resilience of our institutions. It is through our collective efforts that we can safeguard the principles of justice and uphold the integrity of our legal system.

In conclusion, we urge all stakeholders to join hands in safeguarding the independence of our judiciary and preserving the principles of justice upon which our democracy rests. Let us rise above partisan interests and work together to uphold the integrity of our legal system for the greater good of society.

# Bridging The Gap: Moving Beyond Cosmetic Celebrations



Women's day celebration at GPI , Modi group

## New Delhi SLNS

As we commemorate Women's Day, it's imperative to reflect on the essence of empowerment and progress for women within corporate settings in India. While the ambiance of celebration often permeates the corridors of corporate houses, adorned with smiles, selfies, and social media posts, the underlying reality paints a starkly different picture.

In the realm of corporate India, the celebration of Women's Day often culminates in symbolic gestures, lacking substantive actions toward genuine empowerment. Despite the spirited displays of camaraderie and support, there exists a palpable gap between rhetoric and action, where lofty proclamations of women's empowerment are not consistently translated into tangible initiatives within organizations. The implementation of the Prevention of Sexual Harassment (POSH) law serves as a glaring example of this disparity. While legislation

mandates the creation of safe and conducive work environments for women, the ground reality reveals a different narrative. Many organizations, including schools, colleges, and corporate entities, exhibit a tendency to either turn a blind eye to harassment issues or superficially implement POSH guidelines to avoid scrutiny.

Even within esteemed institutions such as the police department, paramilitary forces, and the army, the effective implementation of POSH remains elusive. The prevailing culture of filing false compliance reports underscores the systemic apathy toward addressing the concerns of women in the workplace.

It's a sobering reminder that legal frameworks alone are insufficient without genuine commitment and action from organizational leadership. In this milieu, the celebration of Women's Day serves as a poignant reminder of the need for substantive change and meaningful empowerment. Beyond the veneer of festivities, there lies an opportunity for corporate India to embark on a jour-

ney of genuine transformation by placing women at the helm of decision-making processes. Empowerment, in its truest sense, entails providing women with equal opportunities for career advancement, fostering inclusive work cultures, and ensuring zero tolerance for harassment of any form. It requires organizations to go beyond tokenism and embrace proactive measures that nurture talent, amplify voices, and dismantle barriers to progress. As we celebrate the indispensable contributions of women - be it as mothers, sisters, lovers, or wives - it's incumbent upon us to recognize their inherent value and agency in shaping the fabric of society. After all, even the divine is said to depend on women to manifest on earth. In conclusion, let us use the occasion not merely as a platform for symbolic gestures but as a catalyst for genuine change. By championing the cause of women's empowerment within corporate India, we can pave the way for a more equitable and inclusive future, where every woman has the opportunity to thrive & flourish.

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# "EFI Conclave 2024: Nurturing Entrepreneurial Spirit among Indian Youth"



## New Delhi SLNS

The Entrepreneur Forum of India (EFI) recently hosted a dynamic Entrepreneur Conclave at New Delhi, aiming to ignite the entrepreneurial zeal among the Indian youth under the theme of "Instilling and Instituting Entrepreneurship in Indian Youth."

Distinguished figures from various domains graced the panel discussion, providing invaluable insights. Notable speakers included Dr. Ajay Kumar Pandey, a renowned Advocate and Management Consultant; Ashok Pandey, an esteemed Academician, Director, Alchon Group of Institution and recipient of the President's Medal, Rana Yashwant, a respected journalist and Editor of India News, CA Rakesh Jindal, a seasoned banker and IP professional, and Charu Mahajan, former Mrs. Earth and a corporate leader.

Additionally, prominent personalities like K. L. Ganju (Hony. Consul General Union of The Comoros), Sikandar Singh, Deputy Commissioner of Police (North Delhi), Motivational Speaker T S Madan, Dr. Amit Maheshwari, Pt. Deepak Maharaj, renowned Kathak dancer, Dr. Gaurav Gupta, and others, alongside senior officials from Axis Bank and esteemed corporate entities, enriched the event with their presence, moderated by Rajeev Narang, a Business Transformation Consultant.

In addition to the stimulating panel discussions, the conclave hosted an award ceremony, recognizing individuals from diverse sectors such as literature, corporate, legal, and education for their remarkable contributions. Vishwa Mohan Singh, the visionary organizer and driving force behind EFI, announced a book launch segment, featuring works ranging



from budding writers to renowned authors, adding a literary dimension to the conference with eighteen books and one magazine launched during the event.

The organizers also elevated the event's appeal by securing the participation of Bollywood luminary Poonam Dhillon as the star attraction, ensuring attendees a memorable experience.

With its esteemed speakers, engaging discussions, and captivating sideline events, the Entrepreneur Conclave stands as a significant milestone in nurturing entrepreneurship and acknowledging exceptional talent across various sectors in India.

The success of the event owes credit to all attendees, including Vishwa Mohan Singh (Chairman EFI), Prem Lata Singh (President EFI), Dr. Sandeep Gupta (Director EFI), Author Sherry (Director EFI, HNI), Nain Singh (Director EFI Overseas Education), Dr. Peeyush Prabhat (Director EFI, Core), Asootosh

## Poonam Dhillon launches a book on Property Law



Renowned Supreme Court Advocate Dr. Ajay Kumar Pandey launched his latest book, "Property Law Unveiled," at a glittering event in Delhi, attended by Bollywood actress Poonam Dhillon. The book delves into India's property laws, offering insights crucial for legal professionals and property owners. Poonam Dhillon, emphasizing its significance, expressed eagerness to receive a copy. The event garnered attention from legal experts, real estate professionals, and media, applauding the book's comprehensive coverage and relevance. Dr. Pandey's expertise promises clarity on complex legal nuances, making the book an essential guide for navigating real estate transactions in India.



## Panel Discussion: Thriving in a Fast-Paced and Dynamic Environment



Kaant (Director EFI, NRI), Anurag Dangi (Convenor EFI), Coach Shweta (EFI Spokesperson), Jitendra Chawla (Director EFIMSME), and Gurdeep N Dhillon, Naveen Verma, Samir Samarth, Mohit Thukral, and Harsh Verma. the core team comprising