

(1996) 11 SC CK 0018

In the Supreme Court Of India

Case No : Civil Appeal No. 844 of 1984

Saroj Bhardwaj (Smt) and Another

APPELLANT

Vs

Additional Civil Judge and Others

RESPONDENT

Date of Decision : 07-11-1996

Acts Referred:

Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960 — Section 3

Citation : (1998) 7 JT 237 : (1998) 9 SCC 186

Hon'ble Judges : M. M. Punchhi, J;K. S. Paripoornan, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. The claim made by Mr. Bagga, learned Senior Counsel for the appellants, is that a wife who had separated in property from her husband, shall be treated to be a judicially separated wife for the purposes of Section 3(7) of the U.P. Imposition of Ceiling on Land Holdings Act, 1960 (the Act). The contention on the face of it borders on being ridiculous and has to be rejected outright. The mere fact that the husband and the wife had divided their joint properties in the year 1949, did not establish that their matrimonial bond stood severed. In fact, at that point of time, Hindus could not in this fashion undo their matrimonial ties. The concept of "judicial separation", as understood to modern Hindu law, came under the Hindu Marriage Act, 1955. And it is in this context that the wife judicially separated, has been brought within the domain of Section 3(7) of the Act. The High Court was, therefore, right in concluding that the appellant's mother was not a judicially separated wife of her husband. We, therefore, find no merit in this appeal and order its dismissal.

2. No costs.