

**Court No. - 39**

**Case :-** FIRST APPEAL No. - 716 of 2024

**Appellant :-** Smt Kriti Goyal

**Respondent :-** Dev Suman Goyal And 3 Others

**Counsel for Appellant :-** Nandlal,Raminder Singh Jaggi

**Counsel for Respondent :-** Tarun Agarwal

**Hon'ble Saumitra Dayal Singh,J.**

**Hon'ble Donadi Ramesh,J.**

1. Heard Shri Abhishek Kumar Kushwaha, Advocate holding brief of Shri Raminder Singh Jaggi, learned counsel for the appellant and Shri Tarun Agrawal, learned counsel appearing on behalf of respondent nos. 2, 3 and 4.

2. Present appeal has been filed under Section 19 of the Family Courts Act, 1984 arising from the order dated 23.04.2024 passed by the Principal Judge, Family Court, Aligarh in Matrimonial Case No.220 of 2022 (Dev Suman Goyal Vs. Kriti Goyal) being proceedings under Section 13B of the Hindu Marriage Act.

3. While the present appellant and her husband had filed a joint motion petition seeking dissolution of their hindu marriage on mutual consent, their creditors namely Brij Kishore Gupta, Pradeep Bansal and Mukul Bansal (respondent nos. 2, 3 and 4) respectively, have joined the proceedings seeking their impleadment as necessary parties.

4. The case of the said respondents has been that they had lent some money to the couple in question with respect to which three civil suit proceedings are pending between the couple in question.

5. Perceiving alteration of their rights if the marriage between the

couple in question is dissolved, the said respondents have sought to intervene in the matrimonial discord that too in a joint motion petition filed by the couple in question.

6. Thus, the respondents are seen to be intermeddling in the matrimonial discord situation of the couple in question. Piquant as it may be, the impleadment sought may never be justified. A matrimonial dispute remains a dispute *interse* between the couple in question who may be finding difficulties in their matrimonial relationship. All other persons remain strangers to that dispute.

7. Though the threat being perceived by the respondents may not be unfounded - that once the marriage between the couple in question is dissolved, it may have some ramifications on the civil dispute that is pending between the respondent on one hand and the couple in question on the other hand, at the same time we can never imagine or permit a situation where the strangers to a matrimonial discord may ever resist its resolution through dissolution on mutual consent. To that extent materialistic goals of the world at large may remain overshadowed by the primacy to be given to resolve the matrimonial discord.

8. Accordingly, the appeal is **allowed** at this stage itself, with the observation notwithstanding the dissolution of marriage between the couple in question, the respondents would remain entitled to raise their claim with respect to the properties that they may claim against Shri. Dev Suman Goyal and Smt. Kriti Goyal either jointly or individually, in appropriate proceedings.

**Order Date :-** 20.9.2024

A Gautam

**(Donadi Ramesh,J.) (S.D. Singh,J.)**