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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10377/2021

RESHMA

..... Petitioner

Through: Mr. Bajrang Vats, Advocate.

versus

UNION OF INDIA THROUGH MINISTRY OF
WOMEN AND CHILD DEVELOPMENT,
GOVERNMENT OF INDIA & ORS.

..... Respondents

Through: Ms. Monika Arora, CGSC with
Mr. Shriram Tiwary, Adv. for UOI.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

23.09.2021

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1. The petitioner has preferred the present writ petition to seek the following reliefs:

- a) Issue declaration that the assumed absolute discretion of the Muslim husband to give divorce (talaq-ul-sunnat) to his wife at any time without any reason and without advance notice to wife and without presence of wife is arbitrary, anti-shariat, unconstitutional, discriminatory, barbaric and illegal.
- b) Issue writ of mandamus or any other writ to the extent of issuance of detailed step by step guidelines in form of checks and balances on issue of the assumed absolute discretion of the Muslim husband

to give divorce (talaq-ul-sunnat) to his wife at any time without any reason and without advance notice to wife and without presence of wife.

c) Issue declaration that the Muslim Marriage is not just a mere contract but it is a status.

d) Issue writ of mandamus or any other writ to the extent that the respondents no. 1, 2 and 3 be directed to frame law in form of detailed step by step guidelines containing of checks and balances on issue of the assumed absolute direction of the Muslim husband to give divorce (talaq-ul-sunnat) to his wife at any time without any reason and without advance notice to wife and without presence of wife.

2. The apprehension of the petitioner is the respondent husband would divorce her by resort to *Talaq-ul-Sunnat*. In our view, the petition is complete misconceived in the light of the enactment of the Muslim Women (Protection of Rights on Marriage) Act, 2019, and in particular Section 3 thereof, which reads as follows:

“3. Any pronouncement of talaq by a Muslim husband upon his wife, by words, either spoken or written or in electronic form or in any other manner whatsoever, shall be void and illegal.”

3. Learned counsel for the petitioner is seeking to place reliance on text of Mohammedan Law by D.R. Verma 13th Edition 2018 – which predates the enactment of the Muslim Women (Protection of Rights on Marriage) Act, 2019. Reliance on same is, therefore, not appropriate.

4. We do not find any merit in this petition since the Parliament has

already intervened and enacted the aforesaid enactment/ Act.

5. The petition is, accordingly, dismissed.

VIPIN SANGHI, J

JASMEET SINGH, J

SEPTEMBER 23, 2021

B.S. Rohella