



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO. 2539 OF 2026 (FC)

BETWEEN:

1. SRI.M.R. VIJAYA MURTHY,
S/O SRI.M.V. RAMALINGA REDDY,
AGED ABOUT 56 YERAS,
2. SMT.M.G. TEJA,
W/O SRI.VIJAYAMURTY,
AGED ABOUT 50 YEARS

BOTH ARE RESIDING AT:
NO.445, JAI PADMA NILAYA,
CHURCH STREET,
NEW THIPPASANDRA,
BENGALURU - 560 075.

...APPELLANTS

(BY SRI. NAGESH S., ADVOCATE)

AND:

SMT. PADMA VIJAY MURTHY,
W/O SRI. VIJAYA MURTHY
AGED ABOUT 51 YERAS,
R/A NO.545,3RD CROSS,
CHURCH STREET,
NEW THIPPASANDRA,
BENGALURU - 560 075

...RESPONDENT



THIS MFA IS FILED UNDER SECTION 19(1) OF FAMILY COURT ACT, AGAINST THE JUDGMENT AND DECREE DATED:19.01.2026 PASSED IN OS.NO.279/2015 ON THE FILE OF THE IV ADDITIONAL PRL. JUDGE FAMILY COURT, BENGALURU, DECREERING THE SUIT OF THE PLAINTIFF U/O 7 RULE 1 AND 2 OF CPC R/W SECTION 11 OF THE HINDU MARRIAGE ACT.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present appeal under Section 19(1) of the Family Courts Act, 1964 r/w Order 41 Rule 1 of Code of Civil Procedure, 1908 has been filed impugning the judgment and decree dated 19.01.2026 passed by the IV Additional Principal Judge, Family Court, Bengaluru, in O.S.No.279/2015 by the respondent.



2. Parties are referred to as per their rankings before the Family Court.

3. The plaintiff/respondent had filed this aforesaid suit seeking declaration that the second marriage of defendant No.1 with defendant No.2 on 13.06.2001 was nullity and not binding on the plaintiff/respondent. The second prayer was for cancellation of registration of the second marriage of appellants/defendants which was solemnized on 13.06.2001, which got registered at Chintamani Taluk Chickaballapur District.

4. The appellant/defendant No.1 was married to the plaintiff/respondent. The marriage of the appellant/defendant No.1 with the plaintiff/respondent was solemnized on 17.03.1996 at Satyanarayanaswamy Temple, Vidya Peeta Circle, Bangalore, as per Hindu rites, rituals and customs. Out of wedlock with the plaintiff-respondent, two children were born. Both the children now have attained the age of majority. Without taking divorce



or declaration from the Competent Court in respect of the marriage between the appellant/defendant No.1 and the plaintiff/respondent, the appellants have solemnized the marriage on 13.06.2001.

5. The Family Court, on the basis of the pleadings has framed the following issues for consideration:

- "1) *Whether the plaintiff proves that, 1st defendant has married the 2nd defendant on 13.06.2001 and got registered the said marriage on the same day in the Office of the Marriage Registrar, Chintamani Taluk, Chikkaballapura District? (**Deleted vide order dated 19.01.2026**)*
- 2) *Whether the plaintiff is entitled for relief of declaration?*
- 3) *What order or decree?*

Additional Issue No.1:

- 1) *Whether the plaintiff proves that she is the legally wedded wife of 1st defendant as per Hindu rites and customs?*

Issues Re-casted vide order dated 19.01.2026:

Issue No.1 is deleted and Additional No.2 & 3 are framed.

Additional Issue Nos.2 & 3:

- 2) *Whether the defendant No.1 proves that plaintiff got married with one T.L.Shekar S/o Late Lakshmaiah Naidu on 01.03.1996 at Samudaya Bhavana, Kanakapura Road Near Yedyur Lake, Bengaluru as per Hindu rites and customs?*



- 3) *Whether the defendant No.1 proves that there is no marital relationship exists in between plaintiff and defendant No.1 and the children born to them out of their close relationship, are illegitimate children?"*

6. The trial Court, on the basis of the pleadings and evidence held that the appellant/defendant No.1 has solemnized the marriage with appellant/defendant No.2 on 13.06.2001 and on the same day, the marriage got registered in the office of Registrar, Chintamani Taluk Chikkaballapur District. The allegation that the plaintiff/respondent had earlier got married with one T.L.Shekhar on 01.03.1996 was not proved. The two daughters from the plaintiff/respondent were born on 11.01.2000 and 09.10.2004 respectively, viz., M.V.Varsha Vijaya Murthy and M.V.Megha Vijaya Murthy. It is not in dispute that without taking divorce from the first wife, the appellant/defendant No.1 has solemnized the marriage with the appellant/defendant No.2 on 13.06.2001.

7. As per Section 5 of the Hindu Marriage Act, 1955, the marriage of the appellant/defendant No.1 and



appellant/defendant No.2 in view of the appellant/defendant No.1, subsisting marriage with the plaintiff/respondent is nothing but nullity and the marriage is null and void. In view of the aforesaid, the Family Court, vide the impugned judgment and decree, has held that the marriage of the appellants/defendants on 13.06.2001 is null and void and cancelled the registration of second marriage of the appellant/defendant No.1 with appellant/defendant No.2, which was solemnized and registered on 13.06.2001.

8. A declaration has been made that the marriage between the appellants/defendants on 13.06.2001 is null and void.

9. We have not been shown any evidence to suggest that the plaintiff/respondent was earlier married with T.L.Shekhar on 01.03.1996. Even if the appellant/defendant No.1 got married with plaintiff/respondent 17 days thereafter on 17.03.1996, the



earlier marriage was never consummated. After having lived with her and after two children got born, the appellant/defendant No.1 taking the stand that the marriage with the plaintiff/respondent was nullity and cannot be believed.

10. We find no reason to interfere with the well considered judgment and decree passed by the Family Court, which is based on the sound principle of evidence and law. Therefore, we ***dismiss*** this appeal.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

RR
List No.: 2 Sl No.: 4
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