

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SMT JUSTICE T.RAJANI

FAMILY COURT APPEAL No.228 of 2015

Date:13.3.2017

Between:

Prashant Lahoti,
S/o Omprakash Lahoti

..... Appellant

And:

Saritha,
W/o Prashant Lahoti

.....Respondent

Counsel for the appellant: Mr. V.Rajagopal Reddy

Counsel for the respondent: Mr. Mohd. Ghulam Rasool

The Court made the following:

JUDGMENT: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This Family Court Appeal arises out of order and decree, dated 01.5.2015, in O.P.No.1284 of 2013 on the file of the learned Judge, Family Court, Ranga Reddy District at L.B.Nagar, Hyderabad.

The appellant filed the afore-mentioned O.P. seeking dissolution of his purported marriage with the respondent. It is his pleaded case that he belongs to Valmiki (S.T community); that his first marriage with one Priyanka, solemnized on 20.3.2009, was dissolved in the presence of panchayat elders of Valmiki community on 06.12.2009; and that, later, on 20.5.2011, he has married the respondent as per the traditions and customs of their community. He has further pleaded that his marital life with the respondent ran into rough weather due to the cruelty perpetrated on him by the latter and as such, he has approached the Family Court by seeking dissolution of his marriage with the respondent under Section-13(1)(ia) of the Hindu Marriage Act, 1955. The Family Court, however, dismissed the said O.P by holding that the appellant has failed to prove that his first marriage was legally dissolved and that therefore, his marriage with the respondent cannot be treated as

a valid marriage and consequently, the question of dissolution of such marriage does not arise.

During the hearing of the appeal, when the learned counsel for the appellant is confronted with the question as to how his client is aggrieved by the judgment of the Family Court in the face of the finding that his marriage with the respondent itself has not legally taken place, he has submitted that in such an event, it may not be necessary for his client to pursue the appeal.

In the light of the above facts, we are of the opinion that what the appellant could not directly achieve by seeking formal dissolution of marriage, he could indirectly achieve by inviting a finding from the Family Court that his marriage with the respondent cannot be treated as having validly taken place and therefore, the question of dissolution of such marriage does not arise.

Having regard to the above facts, there is no need for adjudication of the appeal on merits.

The Family Court Appeal is, accordingly, disposed of as redundant.

As a sequel to disposal of the appeal, FCAMP.Nos.429 and 561 of 2015 filed by the appellant are disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE T.RAJANI

13th March 2017

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