



WEB COPY

Sub Application (MD)No.118 of 2020
and Cont.P.(MD)No.490 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Sub Application (MD)No.118 of 2020
and
Cont.P.(MD)No.490 of 2020
in
Crl.O.P.(MD)No.7301 of 2020

In Sub Application (MD)No.118 of 2020

1.T.Sathiyapriya

2.T.Manikandan

... Petitioners

Vs.

1.B.Ramaswamy

2.M.Palanichamy

... Respondents

Prayer: Application filed under Section 151 of the CPC to cancel the fictitious and fraudulent marriage certificate dated 09.12.2012 stands in the name of the first petitioner on the file of the J.C.M.Church, Venkateswarapuram, Alangulam Talk, Tirunelveli District in SI.No.84 of 2012 and registered in the office of the Registrar General of Births Deaths and Marriages, Chennai on 11.12.2017 in S.No.4780/2017.

For Petitioners

For R1

For R2

: Mr.L.Shaji Chellan

: Mr.K.Ragatheesh Kumar

: No appearance

In Cont.P. (MD)No.490 of 2020

B.Ramasamy

... Petitioner

Vs.



1.T.Sathiyapriya

2.T.Manikandan

3.M.Palanichamy

4.Registrar General of Births,
Deaths and Marriages,
Chennai-600 008.
South India.

... Respondents

(R3-is impleaded in SUB A(MD).106 of 2020, order dated 28.08.2020

R4-is impleaded in SUB A(MD).121 of 2020, order dated 06.10.2020)

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents/contemnors herein for their deliberate and willful disobedience of the order of this Court dated 25.07.2018 in Crl.O.P.(MD)No.7301 of 2018.

Prayer in CRL OP(MD). 7301 of 2018 :

Petition filed Under Section 438 of Cr.P.C. To grant Anticipatory bail to enlarge the petitioner on Bail in the event of his arrest in connection with Crime No.1 of 2018 dated 23.03.2018 on the file of the All Women Police Station, Thiruparankundram District.

For Petitioner : Mr.K.Ragatheesh Kumar

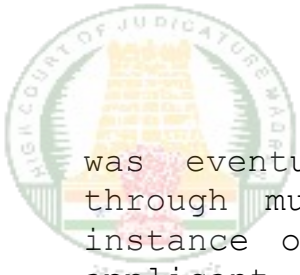
For R1 & R2 : Mr.L.Shaji Chellan

For R3 : No appearance

ORDER

Heard the learned counsel appearing for the first applicant in Sub Application (MD)No.118 of 2020 and the learned counsel appearing for the first respondent Thiru.Ramaswamy. Thiru.M.Palanichamy/second respondent in the Sub Application (MD) No.118 of 2020 has been served and his name is printed in the cause list. But there is no appearance on his behalf either in person or through counsel.

2.The case of the petitioner Sathiya Priya is that she got married to the first respondent on 10.12.2014 at Madurai as per Hindu Rites and Customs. A female child was born on 23.12.2016. But the marital relationship between the two broke down. The matter



was eventually resolved and the marriage itself was dissolved through mutual consent. But then, in the mean while, at the instance of certain persons, it was made to appear as if the applicant Sathiya Priya got married to the second respondent Palanichamy. The same was also registered on the file of the Registrar General of Births, Deaths and Marriages, Chennai on 11.12.2017. The applicant Sathiya Priya wants the same to be cancelled.

3. It is seen from the materials on record that it was made to appear as if the applicant Sathiya Priya got married to Palanichamy on 09.12.2012 in J.C.M. Church, Venkateswarapuram, Tirunelveli District and that the said marriage was solemnized by one pastor by name S.Baskaran Jeyakumar. He has styled himself as a marriage registrar and issued a certificate bearing Serial No.84/12 and based on the said certificate, the impugned registration had taken place on the file of the Registrar General of Births, Deaths and Marriages, Chennai/third respondent herein. As per the certificate, the marriage had taken place in a Church. The first petitioner herein Sathiyapriya is very much a Hindu. Therefore, solemnizing a marriage or a person professing Hindu religion in a church is inconceivable in law. On the face of it, it appears to be a fraudulent document. In any event, to oppose this prayer, the second respondent Palanichamy has not entered appearance. Fraud unravels everything. Since I have held that the certificate issued by the so called Marriage Registrar itself is a fraudulent document, consequential registration also cannot have any legal validity.

4.The petitioner has categorically asserted in the affidavit that she has never even seen the second respondent Palanichamy. He is said to be a total alien and stranger. The petitioner states that she never got married to him. To controvert the averments of the petitioner, Palanichamy has not entered appearance. Therefore, the petition mentioned certificate is quashed and Sub Application is allowed. Contempt Petition stands closed and both the parties are directed to adhere to the terms set out in the contempt order.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rmi

<https://hcservices.ecourts.gov.in/hcservices/>



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.L. SHAJI CHELLAN, Advocate (SR-20440[F] dated 16/10/2020)

Sub Application (MD)No.118 of 2020
in
Cont.P.(MD)No.490 of 2020
in
Crl.O.P.(MD)No.7301 of 2020
15.10.2020

KMV(CO)
TR(02.11.2020) 4P 2C