



W.A.No.1490 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE  
AND  
THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.A.No.1490 of 2023

D.Malini

.. Appellant

Vs.

1. The Registrar of Marriages  
Office of the Registrar of Marriages  
Ambattur, Chennai.
2. The District Registrar  
Office of the District Registrar  
Ambattur, Chennai.
3. Anandan
4. Jeganath G
5. Vinoth
6. Sambandhan

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 28.03.2023 in W.P.No.9428 of 2023.

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For the Appellant : Mr.S.Sagayanathan

For the Respondents : Mr.P.Muthukumar  
State Government Pleader  
Assisted by  
Mrs.R.Anitha  
Special Government Pleader  
for Respondents 1 & 2

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

The appellant challenges the order passed by the learned Single Judge thereby dismissing the petition.

2. Learned counsel for the appellant submits that no marriage was solemnised between the appellant and the third respondent. Forged document of marriage was created. The advocate, along with the third respondent, took the appellant to the second respondent office and obtained her signature stating that it is only for registration of marriage on a future date. Thereafter, the appellant returned to her parents house. The third respondent refused having



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interaction with the appellant and shifted his job and gradually, interaction between the appellant and the third respondent was stopped. The appellant's parents decided to arrange marriage for the appellant. The third respondent contacted the mother of the appellant and stated that the appellant married him and the same was registered vide Marriage Registration No.354/2017 dated 15.06.2017. In fact, there was no marriage. The learned Single Judge ought to have considered the said aspect.

3. The learned Single Judge has observed that the appellant did not dispute her relationship with the third respondent and she also did not dispute the fact that the third respondent obtained her signature for registration of marriage at the relevant point of time.

4. It is the contention of the appellant that whether the document is a forged document or otherwise could not have been proved before the learned Single Judge in writ jurisdiction under Article 226 of the Constitution as some evidence should be required.



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The Apex Court in the case of **Balram Yadav v. Fulmaniya Yadav**

**[(2016 13 SCC 308)]** has observed that declaration as to the validity of both marriage and matrimonial status of a person is within the exclusive jurisdiction of the Family Court. Be that as it may, learned Single Judge has kept the remedy of the appellant open.

5. The appellant is at liberty to avail remedy as may be permissible under law. In that event, all contentions of the parties are kept open.

6. With these observations, the appeal is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE  
AND  
P.D.AUDIKESEVALU, J.

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