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W.A.No.907 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K.SURENDER**

Writ Appeal No. 907 of 2025
and CMP No.7679 of 2025

Rajasekhara Reddy,
S/o. Raghurami Reddy,
Inspector: 031070030,
Central Industrial Security Force,
Regional Training Center,
Suraksha Complex, Thakkolam,
Arakonam, Vellore District.

... Appellant

Vs.

1. Sanam Parvathi

2. The Deputy Inspector General,
Central Industrial Security Force,
Regional Training Center,
Suraksha Complex, Thakkolam,
Arakonam, Vellore District.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside
the order passed in WP No.37004 of 2016 dated 08.08.2023.



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W.A.No.907 of 2



For Appellant : Mr.R. Thiyagarajan

For Respondents : Mr.S.Prabhu, for R1

Mr.V.Venkatesan, for R2

J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

Challenge is to the order of the learned Single Judge made in WP No.37004 of 2016 dated 08.08.2023.

2. The prayer in the Writ Petition was for issuance of a Mandamus directing the employer viz. the Deputy Inspector General, Central Industrial Security Force, to include the name of the petitioner and her minor son as wife and son of the appellant herein. Of course, there were proceedings before the Family Court in the form of a petition under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights and for a declaration that the marriage that was held on 24.07.2006 is valid. In the proceedings under Section 9 viz. in HMOP No.6 of 2016, a direction was passed by the learned Family Judge, Thiruvallur, requiring the appellant to pay a sum of Rs.17,960/- towards educational expenses of the child. Since the said order

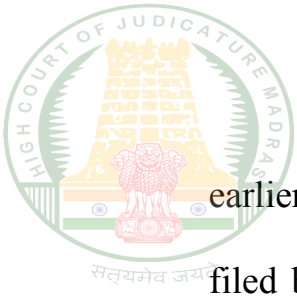


was not complied with, the defence was struck off. However, no final orders were passed.

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3. In the interregnum, there was also an application for sending the child for DNA Test. This Court in a revision, ordered DNA Test. Aggrieved the husband has preferred an SLP before the Hon'ble Supreme Court in SLP (C) No.12079 of 2022. Before the Hon'ble Supreme Court, the husband admitted the paternity of the child. Upon such admission, the SLP was disposed of recording the said admission. The learned Single Judge took note of the order of the Hon'ble Supreme Court and concluded that once paternity is admitted and the first respondent happens to be the mother of the child, she would automatically be entitled to be included in the Service Register of the appellant as his wife. It is this order that is put in issue before us.

4. Finding that the Family Court had after striking down the defence kept the HMOP pending, we had called for a report from the Family Judge, Thiruvallur. A report has been received. We have perused the report. The learned Family Judge had stated that though the defence was struck off



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earlier on 18.08.2023, the HMOP was tagged along with the suit that was filed by the wife for a declaration that the marriage is valid and hence no orders were passed thereon. It is also stated that recently the first respondent herein/wife had filed a Civil Revision Petition in CRP No.1773 of 2025 and obtained stay of further proceedings in the Suit and the HMOP.

5. At this juncture, we do not propose to pronounce upon the status of the first respondent as a wife of the appellant. Proceedings are pending before a Competent Court. Admission of paternity by itself will not confer the status of the wife on the mother of the child whose paternity is admitted. Section 16 of the Hindu Marriage Act legitimizes even illegitimate children born out of void or voidable marriage. However, in order to take the benefit as a wife, the person who claims to be the wife should prove the marriage. As we have already pointed out the marriage is in issue in a suit validly instituted and pending before a Court of Competent jurisdiction.

6. Hence, we find the order of the learned Single Judge directing



inclusion of name of the first respondent as the wife of the appellant cannot be sustained at this juncture. That will however depend on the result of the Suit in OS No.2 of 2019 and the HMOP No.6 of 2016 that are pending before the Family Court, Tiruvallur.

7. This Appeal is therefore partly allowed with the direction to include the name of the child is sustained and the direction to include the name of the wife is set aside. We however make it clear that we have not decided the status. The status will be decided by the Competent Court on the evidence adduced before it without being influenced by any of the observations made by us herein. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (K.SURENDER, J.)
16.07.2025

jv

Internet : Yes
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W.A.No.907 of 2



Index : No
Neutral Citation : No
Speaking order

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To

The Deputy Inspector General,
Central Industrial Security Force,
Regional Training Center,
Suraksha Complex, Thakkolam,
Arakonam, Vellore District.



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W.A.No.907 of 2



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and
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