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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ MAT.APP.(F.C.) 431/2025, CM APPL. 79889/2025 and CM APPL. 79890/2025

RAM SWARATH PRAJAPATIAppellant

Through: Ms. Juhi Arora, Adv.

versus

SMT PRIYANKA DEVIRespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

18.12.2025

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1. Though this is the first Appeal filed by the Appellant against the Order dated 21.08.2025 [hereinafter referred to as 'Impugned Order'] passed by the Family Court in HMA No.178/2024, captioned ***Ram Swarath Prajapati vs. Smt. Priyanka Devi***, while dismissing his Petition under Section 9 of the Hindu Marriage Act, 1955 [hereinafter referred to as 'HMA'], however, in order to grant an opportunity to the Appellant, arguments in the Appeal were heard on the very first day of hearing.

2. The Appellant claims that he married the Respondent, who has abandoned him without any reasonable cause. The Respondent filed a reply denying marriage with the Appellant.

3. After framing of the issues, the Appellant was given the opportunity to lead evidence. He examined himself as PW-1 and produced the following documents:

“(i) Ex.PW-1/1-His Aadhar Card.



- (ii) Mark A-Photocopy of Rent agreement dated 05.10.2023.
- (iii) Ex.PW-1/3 -Received copy of police complaint dated 19.09.2023 of petitioner, sent to SHO, P.S. Dabri.
- (iv) Ex.PW-1/4 Received copy of police complaint dated 20.09.2023 of petitioner, sent to DCP, Dwarka, New Delhi.
- (v) Ex.PW-1/5 Copy of complaint dated 10.10.2023 of petitioner, sent to Superintendent of Police, Distt. Madhepura, Bihar.
- (vi) Ex.PW-1/6 Copy of police complaint dated 19.10.2023 of petitioner, sent to Superintendent of Police, Distt. Madhepura, Bihar.
- (vii) Mark B Photocopy of complaint dated 21.10.2023 of petitioner, sent to Superintendent of Police, Distt. Madhepura, Bihar.
- (viii) Ex.PW-1/8 Photocopy of complaint dated 23.10.2023, of petitioner sent to DCP, Dwarka, New Delhi along with Postal Receipt.”

4. After appreciating the evidence, the Family Court in Paragraph No.10 of the Impugned Order recorded the following findings of fact:

“10. In the present case, the respondent, in her Written Statement, has vehemently denied the solemnization of any marriage between her and the petitioner. She has alleged that she was being kidnapped and raped by the petitioner who is habitual offender of kidnapping and human trafficking. Since the respondent has specifically denied the existence of a valid marriage between the parties, therefore, the onus was upon the petitioner to prove the solemnization and existence of valid marriage between him and respondent. But the petitioner has utterly failed to discharge the said onus as he has failed to adduce cogent evidence to prove the solemnization of a valid marriage between him and the respondent in accordance with the provisions of the Hindu Marriage Act. The evidence led is insufficient to establish essential ceremonies of marriage. He has neither deposed as to what marriage ceremonies were performed, nor filed any photograph of alleged marriage, nor filed any documentary proof viz. marriage certificate, nor examined any pandit who performed/conducted their marriage, nor even examined any person who had been witness to the marriage ceremony.”

5. Learned counsel for the Appellant submits that the Appellant could not produce appropriate evidence before the Family Court and hence, by remanding the case back to the Family Court, one opportunity should be granted to the Appellant to produce further evidence.



6. On a Court question, learned counsel representing the Appellant admits that the Appellant has not filed any application under Order XLI Rule 27 of the Code of Civil Procedure, 1908.
7. Learned counsel representing the Appellant has submitted that this Court should proceed to pass the order.
8. It is evident from a perusal of the findings arrived at by the Family Court that the Appellant failed to prove that he was ever married to the Respondent, which is *sine qua non* for maintainability of the Petition under Section 9 of the HMA.
9. In view of the foregoing discussion, this Court finds no ground to interfere.
10. Accordingly, the present Appeal, along with pending applications, stands dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

DECEMBER 18, 2025

s.godara/sh