IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 4148 of 2025

With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2025
In R/FIRST APPEAL NO. 4148 of 2025

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HINAL NITINKUMAR GOHIL
Versus
KASHYAP PRAVINKUMAR PITHADIA

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Appearance:
MR ADITYA PANDYA WITH DEVANGI B SOLANKI(8888) for the Appellant
MR. BHAUMIK DHOLARIYA(7009) for the Defendant

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CORAM: **HONOURABLE MR. JUSTICE ILESH J. VORA**
and
HONOURABLE MR. JUSTICE R. T. VACHHANI

Date : 18/06/2026

ORAL ORDER
(PER : HONOURABLE MR. JUSTICE ILESH J. VORA)

1. This appeal, under Section 19 of the Family Courts Act, 1984 by the wife – original petitioner, is against the judgment and decree dated 11.11.2025, passed by the learned Judge, Family Court, Vadodara in Family Suit No.914 of 2024. It was prayed that, the marriage solemnized required to be annulled on the ground that the marriage was not valid marriage, as it was not performed in accordance with the customary rituals and ceremonies of either parties, as mandated under Section 7 of the Hindu Marriage Act, 1955. The respondent husband admitted the pleadings and also supported the claim of the appellant for annulment of the marriage on the ground of valid marriage.

2. In nutshell, the declaration to the effect was sought that the marriage is voidable, as no 'Saptapadi' was performed. The Family Court after examining the marriage certificate and other documents felt that the parties have stated false and misleading facts about the non-performance of customary rituals and ceremonies and on this count, the petition came to be dismissed and while dismissing the petition, it was directed to register the official complaint against the appellant and respondent with the jurisdictional police station at Vadodara.

3. Aggrieved and dissatisfied with the aforesaid impugned judgment and decree, the appellant has preferred the present appeal.

4. We have heard learned counsel Mr. Aditya Pandya with Ms. Devangi Solanki and Mr. Bhaumik Dholariya for the respective parties.

5. It is submitted that the respondent husband is permanent resident of U.K. and after registration of the marriage, he left the India. In order to get the VISA etc., the marriage was registered on paper and parties never lived together. The parties were unaware about the form filled up for registration by the concerned and therefore, they were not aware about the contents of the form. In fact, no ceremony of 'Saptapadi' was taken place. In such circumstances, referring to Sections 196 and 340 of the Cr.P.C., it is submitted that, the Family Court has exceeded its jurisdiction while

directing to lodge a complaint with regard to submission of false and misleading facts. The another ground raised is that, both the parties have decided to file a petition for divorce for mutual consent under Section 13B of the Hindu Marriage Act, 1955 and therefore, it is prayed that the direction for lodging the complaint may be set aside and parties are permitted to file a consent petition before the Family Court, Vadodara.

6. In the facts of the present case, the respondent husband is the resident of U.K., London and for the marriage purpose, he came to India at Vadodara. In such circumstances, there is no reason for them to suppress or mislead the family Court about the necessary ceremonies which we are not performed by the parties. Thus, in our opinion, with a view to registration of the marriage, the necessary columns being filled up. Thus, it cannot be said that, in order to get favourable order, the false statement being made before the Family Court. It is relevant to note that, the Family Court has not acted upon the facts disclosed by the parties. Thus, in our opinion, case would not fall under Section 379 of the BNSS (Old Section 340 of Cr.P.C) and therefore, direction to lodge complaint against the appellants and respondents is not sustainable in eye of law and is hereby set aside.

7. Having regard to the peculiar facts and circumstances of the present case, the parties are re-relegated to the Family Court,

Vadodara and are permitted to file a consent Divorce petition under Section 13B of the Hindu Marriage Act. The Family Court without being influenced by the observations made in the judgment by the Family Court, more particularly paras 6.2, 6.3, 6.4, 6.5 and 6.6 and decide the same in accordance with law.

8. With the aforesaid observation, the appeal is partly allowed.

Order in Civil Application :

9. In view of the order passed in First Appeal, no order in Civil Application and is disposed of accordingly.

(ILESH J. VORA,J)

(R. T. VACHHANI, J)

P.S. JOSHI

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: PALLAV SUBHASHCHANDRA JOSHI(HC00177), Principal Pvt. Secretary, at High Court of Gujarat on 19/06/2026 12:37:04