IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 FAMILY COURT APPEAL NO. 34 OF 2021

WITH

CIVIL APPLICATION NO. 9560 OF 2021
IN FCA/34/2021

Ravindra s/o Laxmanrao Chandre
Age: 38 Years, Occu: Service,
R/o: Ayodhya Nagar, House No. 40,
Pawedewadi, Nanded,
Tq.& Dist. Nanded. ...Appellant
(Orig. Respondent)

Versus

Megha w/o Ravindra Chandre
Age: 38 Years, Occu: Service,
R/o: Jai Bhavani Nagar, Cidco,
Tq. & Dist. Namded
PHC Primary Health Centre
Sonked Tq. Loha Dist. Nanded. ...Respondent
(Orig. Petitioner)

...

Adv. S. G. Chincholkar, Advocate for Appellant

Adv. Avinash M. Reddy. Advocate for Respondent/Sole.

...

CORAM : SANDIPKUMAR C. MORE AND VAISHALI PATIL-JADHAV, JJ.

RESERVED ON : August 29, 2026

PRONOUNCED ON : October 23, 2026

Judgment (PER : SANDIPKUMAR C. MORE, J.) :-

. The appellant-husband i.e. the original respondent, has challenged the judgment and decree dated 06.02.2021 in petition No.A-70 of 2018 passed by the learned Family Court Judge, Nanded [hereinafter, referred to as, the learned Trial Judge] whereby the petition of respondent-wife for dissolution of marriage was allowed and the appellant was directed to pay an amount of Rs.2,50,000/- towards the permanent alimony .

2. The learned counsel for the appellant-husband vehemently argued that the learned Trial Judge has definitely erred in passing the impugned decree. According to her, the respondent-wife never married with the appellant and in fact gave birth to a female child out of her illicit relationship with one Raju Kamble. She vehemently argued that the learned trial judge had, in fact, relied on the marriage certificate at Ex. 38 for the conclusion that the appellant and respondent got married. According to her, the marriage certificate was wrongly exhibited and read in evidence by the learned Trial Judge, despite there being no efforts on the the part of respondent-wife to prove the contents of the same. For that purpose, she relied on the judgment of Hon'ble Apex Court in the case of ***Tharammel Peethambaran and Another Vs. T.***

Ushakrishnan and Another reported in 2026 AIR (SC) 938.

3. On the contrary, the learned counsel for the respondent-wife supported the impugned judgment and submitted that the learned Trial Judge had properly dealt with the evidence on record and rightly decided that the respondent proved the fact that she is legally wedded wife of the appellant.

4. Heard the rival submissions. Also perused the documents on record, along with the impugned judgment.

5. It is extremely important to note that the appellant-husband has challenged the impugned judgment and decree, only on the ground that there was no marriage solemnized between himself and the respondent-wife and the respondent could not establish the fact of said marriage. According to learned counsel for the appellant-husband, the marriage certificate at Ex.38 being a notarized copy, cannot establish the fact of marriage between parties and the learned Trial Judge wrongly read the said certificate in the evidence without asking further proof of its contents.

6. Admittedly, the marriage certificate appears to be given by one institution, namely, Bhartiya Boudha Dnyanalankar Shikshan Sanstha,Mulava, Dist. Nanded, which is relied by the learned Trial Judge for holding that there was marriage between the appellant and respondent with free consent, as per Boudha Custom and tradition.

7. The learned counsel for the appellant strongly relied on the judgment of Apex Court in the case of ***Tharammel Peethambaran and Another Vs. T. Ushakrishnan and Another (supra),*** wherein it is observed that a copy of the original document cannot be read in evidence, unless the necessary formalities under Section 65 of Indian Evidence Act are followed.

8. Admittedly, no such procedure appears to be followed in this matter by the learned Trial Judge. However, it is not the sole ground on which the learned Trial Judge has concluded about the marriage between the parties. It is extremely important to note that the learned Trial Judge has also considered the birth certificate of daughter Rutavi, who is born out of the wedlock of the appellant and the respondent. The said birth certificate was issued by the

NWCN Corporation, Nanded and is produced at Exh. 40. It clearly indicates that the respondent-wife gave birth to one female child on 28.05.2015 at Ankur Super Specialty Women's Hospital, Nanded. Moreover, the name of father in the said certificate is that of the present appellant-husband. Not only this, but the respondent-wife has also placed on record the discharge summary card of Ankur Super Specialty Hospital at Ex. 39 indicating her contention that she gave birth to a female child on 28.05.2015.

9. The appellant had, in fact, denied the paternity of the said daughter, but no steps were taken by him for conducting the DNA test of the said daughter to establish that he was not father of the said child. It is also observed by the learned Trial Judge that the appellant-husband had not taken any action to delete his name from the public record showing him as the father of the daughter of respondent-wife. It is extremely important to note that the appellant-husband did not enter into witness box to prove his allegations that he never married with respondent and that Rutavi is not his daughter.

10. Under such circumstances, we do not find any force in the

submission of the learned counsel for the appellant-husband and the learned Trial Judge erred in holding that the appellant performed marriage with the respondent-wife and out of the said wedlock gave birth to daughter Rutavi.

11. In view of the above, we find no perversity in the impugned judgment and therefore, the Appeal, along with the Civil Application, stands dismissed.

(VAISHALI PATIL-JADHAV, J.) (SANDIPKUMAR C. MORE, J.)

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