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CMA No. 3489 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 3489 of 2024

K. Narayanan

..Appellant(s)

Vs.

M. Valliammai @ Revathy

..Respondent(s)

This Appeal filed under Section 19 of the Family Courts Act r/w. Section 28 of the Hindu Marriage Act, to allow the appeal and to set aside the decree and judgment passed in O.P No.1552 of 2018 dated 14.06.2024 passed by the IV Additional Family Court at Chennai.

For Appellant(s): Mr.P.Abhinav

For Respondent(s): Mr.M.Valliammai (Party-in-Person)

JUDGMENT

(Judgment of the Court was delivered by C.V.Karthikeyan J.)

The respondent in O.P.No.1552 of 2018 aggrieved by the order dated 14.06.2024 passed by the IV Additional Family Court, Chennai, has filed the present appeal.



2. The said Original Petition had been filed by the respondent wife taking advantage of 12(1)(c) of the Hindu Marriage Act, 1955, seeking to declare the marriage solemnized between her and the appellant herein on 11.02.2018 at Alavakottai, Sivaganga District, as null and void. Even before proceeding further, it would only be appropriate that Section 12(1)(c) of the Hindu Marriage Act, 1955 is reduced in writing:

12. Voidable marriages.—(1) Any marriage solemnised, whether before or after the commencement of this Act, shall be voidable and may be annulled by a decree of nullity on any of the following grounds, namely:—

(c) that the consent of the petitioner, or where the consent of the guardian in marriage of the petitioner was required under section 5 as it stood immediately before the commencement of the Child Marriage Restraint (Amendment) Act, 1978 (2 of 1978), the consent of such guardian was obtained by force or by fraud as to the nature of the ceremony or as to any material fact or circumstances concerning the respondent.

3. It is the contention of the respondent herein, that after the marriage, she came to know that, the appellant had suppressed his educational qualification and more importantly, a particular disease from which he suffered prior to the marriage and which continued even after the marriage had been solemnized.

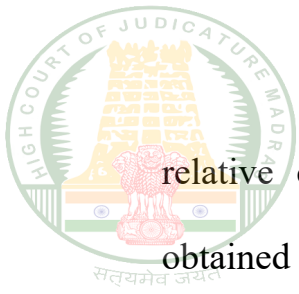


4. It is the contention of the appellant that he was suffering from a disease called Keloid, which would affect his joints and is not a contagious disease. In this connection, the appellant had also produced as a document Ex.R5, which is a certificate given by a doctor, stating that the disease Keloid is neither infectious nor contagious.

5. But however, the case of the respondent herein before the trial Court was that, the appellant suffered from a peculiar disease, owing to which, there was oozing of blood from his full body and this caused her much mental harassment and torture and she was not able to lead a normal marital life with him. It had been contended that his shoulders were bleeding and when she questioned him about it, he stated that this happens everyday and told her that his skin was sensitive. This situation was existing even prior to the marriage.

6. The specific case of the respondent herein before the trial Court was that this particular disease of the appellant was suppressed and not disclosed to her though she was aged 33 years at the time of marriage and was in a position to express her consent for the marriage. Stating that this was a suppression of a material fact, the petition had been filed seeking to declare the marriage as null and void under Section 12(1)(c) of the Hindu Marriage Act, 1955.

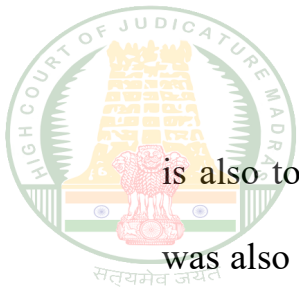
7. The appellant herein in his counter had stated that the condition which he suffered was neither infectious nor contagious and that the same had been informed to the family members of the respondent herein and to his



relative called Kannathaal. It had been contended that consent had been obtained from the father of the respondent herein. It had been stated that there has been no suppression of any material fact, much less the fact that the appellant suffered from Keloid even prior to the marriage and which continued even after the marriage. It was therefore stated that the provision under Section 12(1)(c) of the Act, would not be attracted to the facts stated by the respondent herein.

8. During trial, the trial Court had the benefit of the evidence adduced by the respondent herein, who examined herself as PW-1 and of the appellant herein who examined himself as RW-1. The respondent herein marked Exs.P3 and P4 which were notices exchanged between the parties. The appellant herein had marked Exs.R1 to R5. Ex.R1 were photographs of the appellant and respondent. Ex.R2 was the copy of the whatsapp chat and Ex.R3 was the CD conversation between the appellant and Kannathaal, subsequent to the filing of the case and also between the mother of the respondent and the said Kannathaal. Ex.R5 was the certificate by the Doctor.

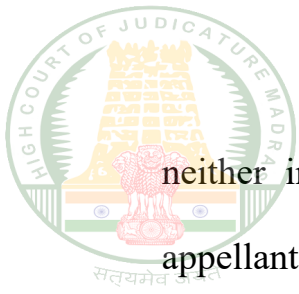
9. It is to be noted that Kannathaal was not examined as a witness to verify the correctness or the veracity of the conversion recorded in the compact disc. Neither any certificate as required under the Indian Evidence Act, had been produced to prove the genuineness of the compact disc or the recordings in the compact disc. The witness had also not been examined. The trial Court had correctly rejected the said compact disc and had refused to look into the same. It



is also to be noted that the doctor, who had issued the certificate under Ex.R5 was also not examined as witness. It is therefore not clear whether the appellant suffered only from Keloid disease or from any other disease as stated by the respondent herein. The trial Court had, however, also considered Ex.P4, the reply notice given to the notice issued on behalf of the respondent, wherein it was stated that the respondent had been informed about the skin disease of the appellant.

10. But however, one crucial factor is, information given about a particular disease and the exposure of such disease to a newly married lady, who when her husband opened his shirt found blood all over the shoulders. The plight can hardly be imagined and it could only be stated that this would have given much shock to the respondent herein. Suppression of such material fact of this nature is fatal to the case of the appellant. The appellant should have made proper disclosure by actually presenting himself and the nature of the skin disease even before the marriage to the respondent herein. Failure to do so is suppression of a very material fact. There cannot be normal cohabitation between the appellant and the respondent when the appellant suffered from a disease, which made blood ooze from the skin from various parts of his body. Physical contact would simply be impossible.

11. The trial Court had considered all these aspects and had held that it would only be appropriate that the marriage is declared as null and void owing to suppression of this material fact. The certificate of the doctor that the disease is



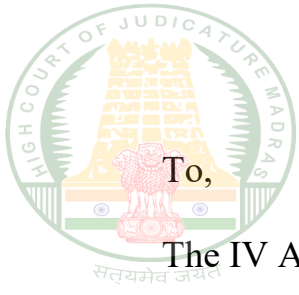
neither infectious nor contagious would not come to the assistance of the appellant, since the nature of disease was blood oozing from all over the body and it is not required that such a condition should be infectious or contagious.

The very presence of such disease itself is a disqualification for marriage and even if the appellant expects the respondent to ignore the same, there should have been a proper disclosure of such situation prior to the marriage. Failure to do so, renders the marriage voidable, but which may be annulled by a decree of nullity on the application of anyone of the party, in this case, by the respondent herein / wife to the marriage. She had very categorically stated that since such material fact had not been disclosed prior to the marriage, her consent had been obtained by fraud and therefore, the marriage should be declared as null and void.

12. In view of these reasons, we find no reason to differ from the order passed by the IV Additional Judge, Family Court, Chennai in O.P.No.1552 of 2018 dated 14.06.2024 and we confirm the same. Accordingly, this Civil Miscellaneous Appeal stands dismissed. No costs.

(C.V.K.,J.) (K.R.S.,J.)
08-06-2026

smv
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No



To,

The IV Additional Family Court, Chennai.

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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

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