



C.M.A.No.3273 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2026

CORAM

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

C.M.A.No.3273 of 2024

&

C.M.P.No.29100 of 2024

Mrs.Ranjani
D/o.Vadamalai

... Appellant

VS

1. Mr.Kamaraj
S/o.Mani

2. Mrs.Sarathi
D/o.Govintharaj

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 19 of Family Courts Act to set aside the fair and decretal order dated 05.10.2024 passed by the Family Court, Ariyalur in F.C.O.P.No.13 of 2024.

For Appellant : Ms.R.Maheswari

For Respondents : Mr.H.Surendar for R1
Not ready in notice Reg.R2



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JUDGMENT

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[Judgment of the Court was delivered by **C.V. KARTHIKEYAN, J**]

The first respondent in F.C.O.P.No.13 of 2024 on the file of Family Court at Ariyalur, who is aggrieved by the order dated 05.10.2024 is the appellant herein.

2. F.C.O.P.No.13 of 2024 had been filed by the first respondent herein/Kamaraj as against two respondents viz., appellant / Ranjani and the second respondent/Sarathi. According to him, his marriage was solemnized with Sarathi on 01.12.2019. He also admitted that he had subsequently married the appellant herein, namely Ranjani on 24.03.2021. The petition before the Family Court had been filed under Section 13(1a)(i) of the Hindu Marriage Act, 1955 to dissolve the marriage between the petitioner therein and the second respondent Sarathi, which even according to Kamaraj was the first marriage on 01.12.2019 and to dissolve the marriage between him and the appellant Ranjani solemnized on 24.03.2024 under Section 12(1)(b) of the said Act. In effect, the said Kamaraj wanted to free himself from both his wives.



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3. The law recognizes a marriage between two parties solemnized in accordance with law and it further stipulates that when a marriage is subsisting, entering into a marriage again would render the second marriage void. In the instant case, the petitioner before the Family Court, who is the first respondent herein, admitted that he had entered into the marriage on two separate dates, first one on 01.12.2019 with Sarathi and the second one on 24.03.2021 with the appellant Ranjani. Before the Family Court, Sarathi had taken a conscious decision to remain *ex parte*.

4. Even before proceeding further, a burden was cast on the first respondent /Kamaraj to first establish that he had entered into a valid marriage with Sarathi on 01.12.2019 and when that marriage was subsisting, had again entered into a marital relationship with the appellant on 24.03.2021 due to the misrepresentation made by the uncle of the appellant viz., Neelamegam,. Therefore, the first limb of proof, which has to be established in such circumstances is to prove a lawful, valid and recognized marriage between the first respondent Kamaraj and second respondent Sarathi, who had remained *ex parte*. Therefore, the burden was wholly on Kamaraj to prove the marriage between himself and Sarathi. If that is

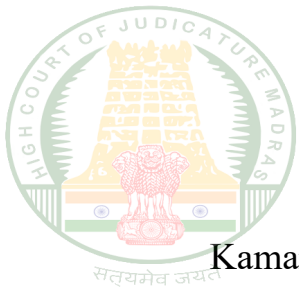


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proved, then reasonably he could except a declaration to be issued that his second marriage with the appellant herein is voidable.

5. In the petition, he had stated that he had married Sarathi on 01.12.2019 in accordance with the Hindu Customs at Murugan Temple, Ariyalur. Subsequently, there were differences of opinion between the two of them and he had left the marital house. They had both then entered into an agreement on 17.03.2021, dissolving the marriage by themselves. After that, the first respondent /Kamaraj had then entered into a marital relationship with the appellant herein / Ranjani. The appellant was more careful. She not only got married according to Hindu Customs and Rites, but the marriage was also registered and acknowledged and witnessed by the elders in the village. These documents had been produced during the course of trial.

6. It had been contended by the first respondent that after he and Sarathi had dissolved their marriage by themselves, he was approached by one Neelamegam, who introduced the appellant Ranjani as his sister-in-law and the marriage was conducted between Kamaraj and Ranjani even though the first marriage was lawfully not dissolved. Under those circumstances,



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Kamaraj had approached the Family Court seeking the reliefs stated above.

He had also alleged that the marriage is to be set aside on the ground of cruelty and other aspects.

7. The appellant herein had resisted the said petition stating that she had married Kamaraj and was the only wife and she further stated that Sarathi was a fictitious person and only to wriggle out of the obligations to her that the said Kamaraj had created an imaginary person by name Sarathi and had also stated that he had earlier married her which facts are all false and claimed that since she was the only lawfully wedded wife and there being no substantial ground raised to dissolve the marriage, the petition should be dismissed. It was also contended that even if it is to be noted that Sarathi was available, she had not participated in the judicial proceedings and the marriage with her had not been proved in a manner known to law.

8. On the basis of the said pleadings, the trial Court had framed the following points for consideration:

- 1) *Whether the marriage solemnized between the petitioner and the 2nd respondent on 01.12.2019 correct?*
- 2) *Whether the petitioner is entitled to the relief of divorce under Section 13(1A) of the Hindu Marriage Act against*



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the 2nd respondent?

3) Whether the marriage solemnized between the petitioner and the 1st respondent is affected under Section 12(1) (b) of the Hindu Marriage Act?

4) Whether the petitioner is entitled to the relief of declaration that the marriage between the petitioner and the 1st respondent is voidable?

9. During trial, Kamaraj was examined as PW1. He produced Exs.P1 to P21. He had also examined two other witnesses as PW 2 and PW3 and marked Exs.X1 and X2. The appellant herein/Ranjani was examined as RW1 and she marked Ex.R1.

10. The learned trial Judge, while examining the documents filed, also took note of the provision of law under Section 13(1a) of the Hindu Marriage Act and placed reliance on Exs.P1 to P4 and holding that these documents reflected a marriage Mugurtha Olai, marriage photo and marriage invitation (Exs.P1 to P3), held that the marriage between the first and second respondents herein had been performed only in accordance with the customs which prevailed between the parties. Subsequently, Ex.P4 was taken into consideration, which was the consent deed dissolving the marriage.

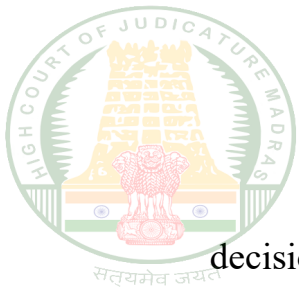


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11. With respect to the marriage between Kamaraj and the appellant

herein, the invitation, marked as Ex.P5, the Village Administrative Officer Certificate, marked as Ex.P6, the marriage receipt issued by the Temple, marked as Ex.P7, the Registration Certificate marked as Ex.P8 and the marriage photo marked as Ex.P9 were examined.

12. The learned trial judge was thus placed with two separate sets of documents relating to two separate marriages. These documents necessarily had to be analyzed to find out which are more probable and which evidences a marriage recognized by law. Ex.P8 is the certificate of registration of marriage between the first respondent Kamaraj and the appellant Ranjani issued by the Sub-Registrar at Ariyalur recording that they had married on 24.03.2021. This certificate was also issued on 24.03.2021 and recorded in the marriage register in the office of the Sub-Registrar at Ariyalur. This is one document, which cannot be rejected for any reason whatsoever and has to be accepted when compared to documents like marriage invitation card, which can be created for the purpose of the case or also the receipt issued by the temple, which could also be obtained by any party. Ex.P2-marriage photo, cannot be verified since the second respondent had taken a conscious



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decision to remain *ex parte* and it could never be ascertained whether it is the second respondent in the photograph or any other stranger.

13. When presented with two sets of documents, the documents produced relating to the marriage between first respondent and the appellant appear to be more probable and have more evidentiary value and we hold that they alone should have been taken into consideration by the Court and the Court should not have come to the conclusion that there was a valid subsisting first marriage on the basis of Mugurtha Olai and invitation, particularly when the second respondent had not come forward either to file a counter or to participate in the judicial proceedings or to at least tender evidence as a witness. Both PW 2 and PW3 are relatives of the first respondent herein and they are only interested witnesses. It is also to be noted that there are issues relating to disputes over property, but we are not concerned about the same in this Civil Miscellaneous Appeal.

14. The learned counsel for the first respondent placed reliance on the Consent Deed dated 17.03.2021 marked as Ex.P4. When the marriage itself had not been established, no credence can be shown to the said consent deed dissolving such marriage between the first and second respondents. It has no



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value. It is not a document which could be considered by any Court of law.

It is only a piece of paper. The contents had not been proved in the manner known to law. The primary signatory to the document, namely the second respondent had not come forward to tender evidence. She is a nameless and faceless person whose signature is also not known to the Court and cannot be verified. We reject Ex.P4. The witness to the said document had also not been examined during the course of trial.

15. This leaves us with only the marriage solemnized between the appellant and the first respondent for which there is proof in Ex.P8, which is a marriage Registration Certificate. A presumption arises that the certificate had been issued during discharge of official duty by the Registrar and that the Registrar had performed his duty with utmost care and in accordance with law. The said marriage registration is also admitted by the first respondent. There is no dispute raised over the said certificate. That marriage certificate signifying marriage between the appellant by the first respondent establishes a lawful marriage. We hold that, the only marriage which was contracted in manner known to law by the first respondent was with the appellant.



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In view of the said reasonings, the Civil Miscellaneous Appeal stands

allowed and the judgment and decree dated 05.10.2024 passed by the Family Court, Ariyalur is set aside and F.C.O.P.No.13 of 2024 stands dismissed.

We again reiterate that the appellant herein is the only lawfully wedded wife of the first respondent Kamaraj. There shall be no order as to costs.

Consequently, the connected miscellaneous petition is closed.

[C.V.K., J] [K.R.S., J]
11.06.2026

Index: Yes/No

Neutral citation: Yes/No

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To

1. The Family Court
Ariyalur

2. The Section Officer
VR Section
Madras High Court



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and

K.RAJASEKAR, J

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