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

\# **CNR No. DLHC010021262024**

\+ MAT.APP.(F.C.) 33/2024

ANAMIKA SINGH .....Appellant

Through: Dr. L.S Chaudhary, Dr. Ajay Chaudhary, Mr. Bharat Chaudhary, Ms. Vinita ,Ms. Monika Chaudhary, Mr. Rohan Chaudhary and Ms. Nikita Chaudhary

versus

SANDEEP KUMAR .....Respondent

Through: Mr. Umesh Gupta, Advocate.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD
HON'BLE MS. JUSTICE RENU BHATNAGAR

O R D E R

% 27.10.2026

1. The challenge in this Appeal is to the Order dated 14.12.2023 passed by the learned Family Court, Tis Hazari, Delhi in HMA No.1589/2022 dismissing an application under Order XII Rule 6 of the CPC filed by the Petitioner-wife, i.e., the Appellant herein.

2. The Appellant-wife filed HMA No.1589/2022 under Section 11 of the Hindu Marriage Act seeking decree of nullity of marriage on the ground that the Respondent herein was already married to somebody else on the date when the marriage between the Appellant and the Respondent took place and therefore the marriage between the

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Appellant and the Respondent is *void ab initio*.

3. It is the case of the Appellant that the marriage of the Appellant and the Respondent took place on 20.04.2022 at Arya Samaj Mandir Vivah Sanskar Trust (Regd.), Khyber Pass, Mall Road, near Durga Mandir, Delhi-110054.

4. It is stated that the she met the Respondent at her workplace in the hospital where the Respondent was also working in another department. It is stated that they started meeting each other and fell in love and eventually decided to get married. It is further stated that with consent of their parents, the marriage of the Appellant and the Respondent was solemnized on 20.04.2022. However, it is also stated that on the date of the marriage, the family members were not present for their marriage ceremony.

5. It is the case of the Appellant that she came to know that the Respondent is already married to one Ms. Sangeeta D/o Rammurat, R/o Gali No.1, Archana Enclave, Khoda Colony, District Ghaziabad, Uttar Pradesh. Furthermore, Appellant also got to know that Respondent is not only married to Ms. Sangeeta but also has a child out of the said wedlock. Paragraph 8 to 13 of the Petition filed by the Appellant herein under Section 11 of the Hindu Marriage Act for declaration of the marriage as *void ab initio* reads as under:-

> *"8. That it is pertinent to mention here that on inquiry made by Bua and Fufa (Uncle and Aunt) of the petitioner from Mausi (Aunt) of the respondent, it is came to know that the respondent is already married and some case is also going before the Court of Law at Ghaizabad District Court, which was not disclosed earlier by the*

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respondent or his family members at the time of solemnization of marriage in the Temple and only petitioner and his family members came to this facts on 30.05.2022. The petitioner asked the respondent that why he has concealed this facts from the petitioner then the respondent replied that this fact about the previous marriage is false and it is only rumours spread by some one to disturb the married life of the petitioner and the respondent. It is pertinent to mention here that the dispute also raise between the petitioner and the respondent when father of the petitioner withdraw amount from joint account on 10th May, 2022 as the amount was kept in account by the father of the petitioner.

9. That after some suspicious conduct of the respondent, the petitioner went to her parental home on 4th June 2022 after giving written letter to the police of P.S. Ghazi Pur, that she herself is going to her parental home and the police has also took undertaking of the father of the petitioner that he will take care and love and affection with his daughter in his home. Thereafter, the petitioner continued her job at hospital but on 10th the petitioner was not feeling well so she took leave from hospital. The respondent on the same day i.e. 10th June, 2022 in the evening time came with his mother and police persons of P.S. Ashok Nagar and create nuisance in the street/Gali of the residence of the petitioner's family. It is pertinent to mention here that the respondent and his family members made pressure upon the petitioner to join the matrimonial home and the date i.e. 10th June, 2022 the petitioner again went to her matrimonial home as the respondent and his family members assured the petitioner and her family members

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that the respondent was unmarried till the marriage with the petitioner.

10. That thereafter, again the father of the petitioner made inquiry by showing the photo/pic of the respondent to his sister then he found that the respondent is already married with Ms. Sangita D/o Rammurat R/o House No. 144, Gali No. 1, Archana Enclave, Khoda Colony, District Ghaziabad, U.P., M. No. 8851386073 and not only married rather he is having a male child from his marriage.

11. That when the petitioner again asked about the above said marriage of the respondent then respondent flatly refused about his marriage. Thereafter, the petitioner and his father enquired about the case pending between the respondent and his wife Sangita from the Court concerned then they have confirmed about the marriage and dispute pending between them.

12. That thereafter, the petitioner got a copy of previous Marriage Certificate solemnized between the respondent and previous his wife Sangeeta dated 04.08.2019, from Arya Samaj Mandir, Harit Vihar, Delhi-110084 (Regd.) A copy of marriage certificate as well as coloured photograph, are annexed herewith for kind perusal of this Hon'ble Court.

13. That thereafter, when the petitioner again asked the respondent about his marriage by showing the marriage certificate and photographs with Sangeeta then the respondent again flatly refused also threatened with dire consequences to the petitioner by saying that if she lodge any complaint against him or any of his family

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members then the petitioner shall have to face the consequences." (emphasis supplied)

6. In the said Petition under Section 11 before the learned Trial Court, Written statement was filed by the Respondent, wherein it was mentioned that the Respondent herein did marry Ms. Sangeeta on 04.08.2019, however, at the time when the marriage between the Respondent and Ms. Sangeeta took place, she was already married to somebody else. Paragraph 3 and 4 of the said Written Statement reads as under:-

> *"3. That somewhere in 2018, one lady namely Sangeeta was working with mother of respondent at Noida and respondent was working in Fortis Hospital and she approached him for medical help. During conversations some messages were exchanged between respondent and Sangeeta and on the basis of those messages Sangeeta started blackmailing respondent and forced respondent for marriage and so on 04.08.2019 at Arya Samaj Mandir, Burari a marriage was performed between the respondent and Sangeeta. After this marriage both started living separately at their respective parent's house. After few months Sangeeta started demand for living together with respondent and demanded Rs 05 Lakhs. During stay of Sangeeta with respondent, Sangeeta was in a habit of leaving company of respondent for many days, sometimes for 15 days and after lot of enquires and search, respondent came to know that Sangeeta is bad character woman and having many male friends.*
>
> ***4. That in the end of 2020, respondent came to know that Sangeeta is already married to one***

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Mr. Amit Kumar S/o Sh. Nepal Singh, R/o-Khora, GZB, U.P. and getting maintenance of Rs 4,000/- per month from her husband as per court order. Without taking divorce from her earlier husband Sangeeta has married with respondent, keeping respondent in dark and under threat of blackmailing."

(emphasis supplied)

7. The Appellant-wife filed the application under Order XII Rule 6 of the CPC before the learned Trial Court stating that there is an 'admission' on the part of the Respondent herein as he has categorically stated that on the day when the parties married each other, he was already married to somebody else, and accordingly sought a declaration that the marriage between the Appellant and the Respondent is *void ab initio* and also for dissolution of marriage under Section 11 of the Hindu Marriage Act. The said application was rejected by the learned Trial Court *vide* the impugned Order.

8. The learned Trial Court, while rejecting the said application recorded that the Appellant's marriage with the Respondent can be said to run foul of the mandate of Section 5(i) read with Section 11 of the Hindu Marriage Act only when the first marriage of the Respondent herein with the Ms. Sangeeta is proved to be a valid one. Since the Respondent herein has stated that when he got married to Ms. Sangeeta, she already had a husband, his marriage with Ms. Sangeeta was *void ab initio*, meaning thereby, the Appellant's marriage with the Respondent could be a valid marriage. Paragraph 5 of the Impugned Order reads as under:-

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> *"5. Having heard the submissions and perused the record, this Court is of the view that this application is liable to be turned down. Petitioner's marriage with the respondent can be said to run foul of the mandate of section 5 (i) read with section 11 of Hindu Marriage Act only when his first marriage was a valid one. Respondent has credible grounds to aver that his first marriage with Ms. Sangeeta was not a valid one for the simple reason that the latter (Ms. Sangeeta) already had a spouse living when he (respondent) got married to her (Ms. Sangeeta) on 04.08.2019. It may be noted that as per the judicial order dt. 13.10.2017 passed by the Court of Judicial Magistrate, Ghaziabad, UP in a petition under PWDV Act, 2005 titled Sangeeta v. Amit and Ors., Ms. Sangeeta got married to Amit on 10.04.2015."*

9. Recently, the Apex Court in Vikrant Kapila v. Pankaja Panda, **(2024) 18 SCC 695,** while dealing with the contours of Order XII Rule 6 of the CPC has observed as under:-

> *"**30**. The judicial discretion conferred on the court is structured on the definition of "admission" under Section 17 of the Evidence Act, 1872 and Rule 5 of Order 8, Rule 6 of Order 12 and Rules 1 and 2 of Order 15CPC.*
>
> ***31**. An "admission" means, "a statement, oral or documentary or contained in electronic form, which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons, and under the circumstances, hereinafter mentioned". [P. Ramanatha Aiyar's Advanced Law Lexicon, 5th Edn., Vol. 1 (A-C), p. 140.]*

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***32**. Admission in pleadings means a statement made by a party to the legal proceedings, whether oral, documentary, or contained in an electronic form, and the said statement suggests an inference with respect to a fact in issue between the parties or a relevant fact. It is axiomatic that to constitute an admission, the said statement must be clear, unequivocal and ought not to entertain a different view. Coming to admission in pleadings, these are averments made by a party in the pleading viz. plaint, written statement, etc. in a pending proceeding of admitting the factual matrix presented by the other side. To constitute a valid admission in pleading, the said admission should be unequivocal, unconditional, and unambiguous, and the admission must be made with an intention to be bound by it. Admission must be valid without being proved by adducing evidence and enabling the opposite party to succeed without trial. A court, while pronouncing a judgment on admission, keeps in its perspective the requirements in Order 8 Rule 5, Order 12 Rule 6 and Order 15 Rules 1 and 2CPC read with Sections 17, 58 and 68 of the Evidence Act.*

***33**. The logic behind such jurisprudential examination of an admission is that a judgment pronounced on admission, not only denies the right of trial on an issue but denies the remedy of appeal. Hence, discretion has to be exercised judiciously and objectively while making a judgment on admission in a pleading. The existence of the power to pronounce a judgment on admission under Rule 6 of Order 12 [Order 12 Rule 6"6. Judgment on admissions.—(1)*

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Where admissions of fact have been made either in the pleading or otherwise; whether orally or in writing, the Court may at any stage of the suit, either on the application of any party or of its own motion and without waiting for the determination of any other question between the parties, make such order or give such judgment as it may think fit, having regard to such admissions.(2) Whenever a judgment is pronounced under sub-rule (1) a decree shall be drawn up in accordance with the judgment and the decree shall bear the date on which the judgment was pronounced."] and Rules 1 and 2 of Order 15 [Order 15"1. Parties not at issue.— (1) Where at the first hearing of a suit it appears that the parties are not at issue on any question of law or of fact, the Court may at once pronounce judgment.2. One of several defendants not at issue.— [Renumbered as sub-rule (1) by Act 104 of 1976, S. 65.] [(1)] Where there are more defendants than one, and any one of the defendants is not at issue with the plaintiff on any question of law or of fact, the Court may at once pronounce judgment for or against such defendant and the suit shall proceed only against the other defendants. [Ins. by Act 104 of 1976, S. 65.] [(2) Whenever a judgment is pronounced under this rule, decree shall be drawn up in accordance with such judgment and the decree shall bear the date on which the judgment was pronounced.]"] , is not an issue in the appeal but rather the issue is whether pronouncing judgment on alleged admission is valid and legal.

***34**. When the admissions are categorical and unequivocal, the remedies available against such*

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> *a decree are limited. In a given case, as in the present appeal, if there is an argument on whether there is an admission of a fact or a document, before examining the merits of the matter, this Court ought to verify whether admission exists or not and also whether the circumstances relied upon by the learned Single Judge can be constituted as admission for rendering a judgment."*

10. It can be seen that the case of the Respondent is categorical that on the date when he got married to the Appellant herein, though he had married Ms. Sangeeta on 04.08.2019, but his marriage with her is not valid because Ms. Sangeeta was already married to somebody else and therefore the Appellant's marriage with the Respondent cannot be said to run foul of the mandate of Section 5 of the Hindu Marriage Act. In view of the same, this Court is of the opinion that it cannot be inferred from the pleadings of the Respondent that there is an unambiguous 'admission' on part of the Respondent. It also cannot be inferred that on the date when the Respondent got married to the Appellant herein, there was a valid marriage subsisting between Respondent and Ms. Sangeeta.

11. Undoubtedly, the onus to prove that on the date of the marriage of the Appellant with the Respondent, whether the Respondent had a valid subsisting marriage or not is on the Respondent. This can be proved only in the course of trial. It has been rightly pointed out by the learned Trial Court that for the marriage between the Appellant and the Respondent to be *void*, the validity of the first marriage of the Respondent herein has to be ascertained, which is a matter to be

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determined at the trial. Accordingly, it cannot be said that there is a categorical, unambiguous 'admission' on the part of the Respondent herein, entitling the Appellant herein for a decree of nullity on the basis of 'admission' on the part of the Respondent.

12. This Court does not find any infirmity with the impugned Order. Resultantly, the appeal is dismissed along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

RENU BHATNAGAR, J

OCTOBER 27, 2026
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