

IN THE FAMILY COURT, OTTAPALAM

Present:- Sri.VARGHESE.A.F., JUDGE

Tuesday, the 31st day of March, 2026

(10th day of Chaithra, 1948 S.E)

ORIGINAL PETITION No.967/2025

This petition coming on 30.03.2026 for final hearing before me in the presence of Smt.Anjana.T, Advocate for the petitioner and of Smt.Rizwana.A.A, Sri.Aqib Sohail.P.S and Smt.Maya Mayura.M.M, Advocates for respondent and having stood over to this day for consideration, this Court delivered the following:-

J U D G M E N T

This is a petition submitted under Section 7 (1) Explanation (b) of The Family Courts Act.

2. The case of the petitioner in brief is as follows:- The respondent was the wife of the petitioner. The marriage of the petitioner and the respondent was solemnized on 26.10.2020 as per the customs and practices of Islam religion under the auspices of the Siyathumoodu Juma Masjid Mahallu Committee. Thereafter, the petitioner and the

respondent lived together as husband and wife and a girl child was born in their wedlock. The petitioner prays for a decree of declaration that the marriage of the petitioner and the respondent was dissolved by the petitioner by pronouncing 'Talaq' with effect from 31.07.2025 on the ground that he had terminated his marriage with the respondent by pronouncing Talaq when the marital relationship between the petitioner and the respondent had broken because of the intolerable character and behaviour of the respondent and the respondent's development of an illicit relationship with a man by name Akhil and the resultant cohabitation of the respondent and the said man and the conceiving of the respondent from that man. It is alleged by the petitioner that after pronouncing 'Talaq' in accordance with the personal law principles, the petitioner communicated the same by issuing notice to the respondent and the Mahallu authorities of the respondent. A declaratory relief is sought with the intention to have an authentic record about the dissolution of the marriage and to show that there is no husband and wife relationship between the petitioner and the respondent after the pronouncement of 'Talaq'.

3. The respondent, who entered appearance through pleader in response to the notice served, failed to file any counter even after availing repeated chances. Then the petition was taken up for evidence by recording that the respondent has no counter.

4. The petitioner has deposed as PW1 and marked four documents as Exts.A1 to A4 to substantiate the case of the petitioner.

5. The respondent, who did not conduct any cross examination of the petitioner, has not adduced any oral or documentary evidence also.

6. From the allegations levelled by the petitioner and the evidence tendered by the petitioner, the following points arise for determination :

1. Whether the petitioner is entitled to get a decree of declaration as prayed for by the petitioner?
2. Reliefs and costs?

7. **Point No.1** : The decree sought by the petitioner is a decree of declaration of dissolution of the marriage of the petitioner and the respondent and that there is no husband and wife relationship between the petitioner and the respondent. Such a decree is sought on the allegation that the respondent had married the petitioner on 26.10.2020 and the marriage of the petitioner and the respondent was terminated by the petitioner by pronouncing 'Talaq' with effect from 31.07.2025, when it became impossible for the petitioner to pursue the

marriage with the respondent, after the birth of a child, due to the undesirable character and behaviour of the respondent and the refusal on the part of the respondent to pursue the relationship by developing illicit relationship with others and even conceiving from her paramour. The allegations levelled by the petitioner and the evidence adduced by the petitioner makes it clear that the marriage of the petitioner and the respondent was solemnized on 26.10.2020 and it was then registered with the Local Registrar of Marriages, Kottamkara Grama Panchayat. The evidence adduced by the petitioner also reveals that the marital relationship between the petitioner and the respondent had broken because of the undesirable relationship developed by the respondent after leaving the matrimonial home and the impossibility of the petitioner to pursue the marital relationship with the respondent by bearing with such relationships of the respondent and the respondent's conceiving in such a relationship. The evidence reveals that the petitioner had terminated his marriage with the respondent by pronouncing 'Talaq' with effect from 31.07.2025 and he had duly communicated the same by issuing written communication to the Mahallu authorities of the respondent and the respondent herself in her permanent address. Thus, the marriage of the petitioner and the respondent stands dissolved with effect from 31.07.2025 by pronouncing Talaq validly and the respondent is no longer the wife of the petitioner. In the light of the rule laid down by our Honb'le High Court in it's judgment in **X and Others V/s. Y and others, reported in 2021 (2) KHC 709**, the petitioner is entitled to get a declaration as prayed for to have an authentic record about the dissolution of the marriage of the petitioner and the respondent and to make necessary changes in the official records about the termination of the marriage of the petitioner and the respondent and the status of the petitioner. Thus, the petitioner is entitled to get a decree of declaration as prayed for. This point is therefore answered accordingly in favour of the petitioner.

8. **Point No.2** : In the result, the petition is allowed and a decree is passed as follows:

1. It is hereby declared that the marriage of the petitioner and the respondent solemnized on 26.10.2020 stands dissolved with effect from 31.07.2025 by the petitioner pronouncing 'Talaq' and the petitioner and the respondent are no longer husband and wife.
2. The petitioner is directed to suffer his costs of the petition.

3. On drawing up the decree, a true certified copy of the decree shall, at the expense of the petitioner, be forwarded to the Local Registrar of Marriages, Kottamkara Grama Panchayat, before whom the marriage of the petitioner and the respondent was registered, for necessary follow up action.

Dictated to the Confidential Assistant, transcribed and typed by him, corrected and pronounced by me in the open Court this, on the 31st day of March, 2026.

Sd/-
JUDGE

PETITIONER'S WITNESS EXAMINED:

PW1 - Muhammed Ansar.A.P

PETITIONER'S EXHIBITS MARKED :

A1 - Photocopy of Talaq Letter.

A2 - Copy of Marriage Certificate.

A3 - Copy of FIR.

A4 - Unserved Cover.

RESPONDENT'S WITNESS EXAMINED AND EXHIBITS MARKED : NIL

Sd/-
JUDGE

