



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO. 3509 OF 2025 (FC)

C/W

MISCELLANEOUS FIRST APPEAL NO. 3565 OF 2025

IN MFA No. 3509/2025

BETWEEN:

SMT. ARUNA G,
W/O SRI. MAHESH R.V.,
D/O GOPAL,
AGED ABOUT 30 YEARS,
R/A BAIRAWESHWARA NILAYA,
1ST BLOCK, 3RD MAIN, 3RD CROSS,
KUVEMPU NAGAR,
TUMKUR - 572 103.

ALSO AT
R/AT 1ST CROSS,
NAGANNANAPALYA MAIN ROAD,
HEMAVATHI BLOCK,
IDSMT BADAVANE, SIRAGATE,
TUMKUR - 572 103.

...APPELLANT

(BY SRI. G.S.VENKAT SUBBA RAO., ADVOCATE)

AND:

SRI. MAHESH R.V.,
S/O VEERAMALLAIAH,





AGED ABOUT 36 YEARS,
R/AT 2ND MAIN, 4TH CROSS,
SRINAGAR, KYATHSANDRA,
TUMAKURU - 572 103.

...RESPONDENT

(BY SRI.MAHESH R.V. - PARTY IN PERSON)

THIS MFA IS FILED U/S 19(1) OF FAMILY COURTS ACT
AGAINST THE JUDGMENT AND DECREE DATED 05.03.2025
PASSED IN MC NO.143/2021 ON THE FILE OF THE I
ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, TUMAKURU,
DISMISSING THE PETITION FILED UNDER SECTION 13(1) (i)
(ia) (ib) OF THE HINDU MARRIAGE ACT, AS NOT
MAINTAINABLE.

IN MFA NO. 3565/2025

BETWEEN:

SMT. ARUNA G,
W/O SRI. MAHESH R.V.,
AGED ABOUT 30 YEARS,
R/A BAIRAWESHWARA NILAYA,
1ST BLOCK, 3RD MAIN,
3RD CROSS, KUVEMPU NAGAR,
TUMKURU - 572 103.

...APPELLANT

(BY SRI. G.S.VENKAT SUBBARAO., ADVOCATE)

AND:

SRI. MAHESH R.V.,
S/O VEERAMALLAIAH,
AGED ABOUT 36 YEARS,
R/AT 2ND MAIN, 4TH CROSS,
MAILARALINGESHWARA KRUPA,
SRINAGAR, KYATHSANDRA,
TUMKURU - 572 103.

...RESPONDENT

(BY SRI.MAHESH R.V. - PARTY IN PERSON)



NC: 2026:KHC:31046-DB
MFA No. 3509 of 2025
C/W MFA No. 3565 of 2025

THIS MFA IS FILED U/S 19(1) OF FAMILY COURTS ACT AGAINST THE JUDGMENT AND DECREE DATED 05.03.2025 PASSED IN MC NO.255/2024 ON THE FILE OF THE I ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, TUMAKURU, DISMISSING THE PETITION FILED UNDER SECTION 13(1)(ia)(ib) OF THE HINDU MARRIAGE ACT, 1955 AS NOT MAINTAINABLE.

THESE APPEALS, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

These two appeals have been filed under Section 19(1) of the Family Courts Act, 1984 challenging the common order dated 05.03.2025 passed by the First Additional Principal Judge, Family Court at Tumakuru, in MC No. 143/2021 c/w MC No. 255/2024.

2. MC No. 143/2021 was filed by the respondent-husband under Section 13 (1) (i)(ia)(ib) to dissolve the marriage solemnized between the parties on 21.11.2018 and MC No. 255/2024 was filed by the appellant-wife



seeking dissolution of marriage by decree of divorce under Section 13 (1) (ia)(ib) of the Hindu Marriage Act, 1955.

3. The facts as emerged would indicate that the respondent-husband was already married when he solemnized the marriage with the appellant-wife on 21.11.2018. However, he falsely stated in his petition that the marriage was solemnized on 16.06.2019 and came to be registered on 19.06.2019. He did not disclose the fact of his earlier marriage, which was subsisting when he performed the marriage with the appellant on 21.11.2018. He has taken divorce from his earlier wife Smt. Padmavathy only on 13.06.2019 and to create a falsehood, he stated in the petition that the marriage between the appellant and him was performed on 16.06.2019 i.e., three days after taking the divorce from his first wife Smt. Padmavathy.



4. On evaluation of the pleadings and evidence brought on record, the Family Court has recorded the following findings:

"39. In view of the above discussion it is held that,

a). The marriage of petitioner and respondent was solemnized on 21.11.2018.

b). There is no marriage at all between petitioner and respondent on 16.06.2019.

c). The marriage between the petitioner and the respondent has taken place before the disruption of marital status between the petitioner and his wife Padmavathy by way of decree dated 13.06.2019 in M.C.No.205/2018.

d). The marriage between petitioner and respondent is a void marriage as petitioner had a spouse living at the time of marriage with the respondent."

5. In view of Section 11 of the Hindu Marriage Act, 1955, the marriage solemnized between the appellant and the respondent was a nullity. Therefore, we declare that the marriage between the appellant and the respondent a nullity, for which, the appellant is not required to file a separate suit as directed by the Family Court.

6. As per the respondent-husband himself, earlier he married one Smt.Padmavathy. Though he has stated



that he has obtained divorce from first wife on 13.06.2019, the same was disbelieved by the Family Court, which is clearly reflected in Paragraph No.39 that the date of marriage with second wife is 21.11.2018. Under these circumstances, the marriage is void under Section 11 of the Hindu Marriage Act, 1955.

7. The Supreme Court in the case of ***YAMUNABAI ANANTRAO ADHAV VS. ANANTRAO SHIVRAM ADHAV AND ANOTHER¹***, considering the effect of Section 11 of the Hindu Marriage Act, has held that a marriage in contravention of clause (1) of Section 5 r/w Section 11 is therefore null and void and further held that the marriage covered under Section 11 are *void ipso jure*, that is, void from the very inception, and have to be ignored as not existing in law at all if and when such a question arises. What falls from the verdict of the Supreme Court is Section 11 clearly holds that a marriage is void, if it is in contravention of clauses (i), (iv) and (v) of Section 5 of

¹ (1988) 1 SCC 530



the Hindu Marriage Act. However, the Section permits a formal declaration to be made on the presentation of a petition. This clarifies that in the absence of a formal declaration, a marriage which is void under law cannot be valid for all other purposes. A thing which is *void ab initio* is void for all purposes and cannot be legalized or valid in the absence of a formal declaration.

8. It is trite that the nomenclature or the Section stated in the petition is not the decisive factor for the Court to consider the relief sought. It is the content stated in the petition be considered for the relief sought. Though the contents stated in the petition filed by wife is manifest that the marriage was performed in 2018, when the marriage of the respondent-husband with said Padmavathy was still subsisting. The Family Court has failed to consider this aspect of the matter and erred in rejecting the same. We have considered this while holding that the marriage against Section 5, is void under Section



11 of Hindu Marriage Act, 1955 in terms of the Judgment of the Supreme Court stated *supra*.

9. Thus, we ***allow*** both the appeals filed by the appellant and declare that the marriage solemnized between her and the respondent on 21.11.2018 as *null and void* marriage.

10. The respondent-husband has not challenged any of the findings recorded by the Family Court at Paragraph No.39. Even otherwise, there is no ground for him to challenge those findings.

The appellant-wife is at liberty to seek the alimony from the respondent-husband in appropriate proceedings.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**