2026:MHC:4630

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Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**Judgment Reserved on: 04-11-2026**

**Judgment Pronounced on: 19-11-2026**

CORAM

**THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN**

**AND**

**THE HON'BLE MR.JUSTICE S.RAVEEKUMAR**

**AS No. 79 of 2020**

*CNR: {HCMA010034912020}*

[redacted]

Case QR

..Appellant(s)

Vs

[redacted]

..Respondent(s)

This appeal filed under Sections 96 of C.P.C. r/w. Order 41 of C.P.C. and 19 of Family Courts Act, against the Judgment and decree dated 13.11.2019 made in OS.No.96 of 2010 on the file of the V Additional Family Court, Chennai.

For Appellant(s): Mr.N.Easwaran
and Mr.R.Veeramani

For Respondent(s): No Appearance



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**JUDGMENT**

**S.RAVEEKUMAR, J.**

The appeal has been filed against the judgment and decree dated 13.11.2019 made in OS.No. 96 of 2010 on the file of the V Additional Family Court, Chennai, by which the prayer to declare the marriage registered vide Serial No.157 of 2009, dated 20.02.2009 on the file of the Hindu Marriage Registrar, Chennai Central, as null and void, has been rejected.

2. The plaintiff in the suit is the appellant herein and the defendant is the respondent herein. For the sake of convenience, the parties are referred in this judgment as per their original ranking in the suit.

3. The case of the plaintiff is that the defendant, being his relative, approached him in the year 2005, seeking his assistance in a project work required for her academic purpose. When the plaintiff was working in Orchid Chemical Company at Thiruporur, Chennai, the defendant claimed to be in love with the plaintiff and voluntarily sent messages expressing her love and affection towards him, the plaintiff, hesitant, rejected her proposal and, unable to bear the conduct of the defendant, resigned his job and moved to Bangalore in the year 2008 to pursue his MBA course at the Indian Business Academy.



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4. The further case of the plaintiff is that, despite he having moved to Bangalore, the defendant continued to send several messages to his e-mail ID and also visited his College premises in February 2009 and convinced him to come to Chennai on 20.02.2009 to sign as a witness to her marriage with another person at Chennai Central District Registrar's Office. Subsequently, during an enquiry conducted at the Teynampet Police Station, the plaintiff came to know that the registration made on 20.02.2009 was in fact, a registration of marriage between himself and the defendant, bearing Serial No.157 of 2009, in the office of the Joint Sub Registrar-I, Chennai Central District Registrar's Office.

5. The plaintiff had further contended that he was baptised in the year 2006 at the Irumbuliyur Pentecostal Mission and he and the defendant never lived together as husband and wife after the alleged date of marriage, therefore the alleged marriage was void in law. In the above circumstances, the plaintiff approached the Trial Court by filing a suit seeking a declaration that the marriage registered vide Serial No.157 of 2009 is null and void. It was his specific contention that the registration was contrary to Section 5 of the Hindu Marriage Act, 1955, and that the defendant had practised fraud and made misrepresentations before the Registrar at the time of registration, without his knowledge or consent.


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6. Per contra, the case of the defendant was that, though the plaintiff's contention regarding her having approached him for assistance in connection with her academic project work is true, it was the plaintiff, who had expressed his love towards her by sending messages through her mobile phone, the defendant had initially chosen not to accept the proposal of the plaintiff, considering the financial status of both families, and the age difference between them. However, in the year 2007, after a year of proposal, the defendant accepted the plaintiff's proposal.

7. The defendant also denied the contention of the plaintiff that he had agreed to come to Chennai only to sign as a witness to her marriage, rather it was the plaintiff, who suggested that they should get married, since the parents of both families had not consented for their marriage. The defendant further contended that all the arrangements for the marriage were made by the plaintiff and the marriage was registered at District Registrar's Office, Chennai Central in the presence of his friends.

8. The defendant further contended that the parents of the plaintiff came to know about their marriage within two months and they opposed the same and demanded 100 sovereigns of gold and a Car as dowry and also prevented the plaintiff and the defendant from living together. According to the defendant, the


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plaintiff and the defendant continued to remain in contact until May 2010, but thereafter had no contact with each other.

9. The defendant further contended that she lodged a complaint on 05.05.2010 before E-3 Police Station, Teynampet, which was taken on record as 100/CSR/83/2010. Thereafter, the plaintiff appeared before the Police Station along with his parents and gave an undertaking to arrange separate accommodation and live with the defendant. However, the said undertaking was not complied with and a demand for dowry was made. Hence, she lodged another complaint on 28.06.2010, in respect of which an enquiry is pending. On the above grounds, the defendant sought dismissal of the suit.

10. On the side of the plaintiff, he examined himself as P.W.1 and his father as P.W.2 and marked Exs.A1 to A8. On the side of the defendant, she examined herself as D.W.1 and marked Exs.B1 to B6.

11. Based on the pleadings of the parties, the learned Trial Judge framed the following issues for consideration:

*"i. Whether the plaintiff is entitled for the relief of declaration that the marriage registered vide No.157 of 2009 is null and void, and*

*ii. To what other relief the plaintiff is entitled to"*


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12. The learned Trial Judge after considering the oral and documentary evidence adduced on either side and the rival contentions, dismissed the suit, holding that the plaintiff's claim regarding him having undergone baptism was not believable in view of the alleged contradictions in his evidence. The Trial Court further held that the plaintiff had not converted to Christianity prior to the marriage, that the alleged compulsion exercised by the defendant had not been proved and that the version put forth by the plaintiff was unreliable. Aggrieved by the said judgment and decree, the present appeal has been filed.

13. Heard Mr.R.Veeramani, learned counsel for the plaintiff/appellant. There is no representation on behalf of the respondent/defendant. Earlier, two separate advocates had entered appearance on behalf of the defendant and subsequently, reported that they had given change of vakalat. Thereafter, this Court ordered substituted service, which was effected on 05.05.2026 through the Malaimalar Newspaper, Chennai Edition. Even thereafter, there was no representation on behalf of the respondent. The appellant was once again directed to effect private notice, but the same was returned with an endorsement stating that no such person was available at the given address. All the efforts have been taken to give sufficient opportunity to the respondent, but the same has turned out to be futile.


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14. Considering that the validity of a marriage registered in the year 2009 is in issue and that the parties have admittedly not been living together for the past 16 years, this Court is of the view that the appeal can be considered and decided on its merits.

15. The learned counsel for the appellant had contended that the particulars mentioned in the marriage certificate are incorrect and that no marriage ceremony had taken place prior to the registration.

16. The learned counsel relied upon Sections 5 and 8 of the Hindu Marriage Act, 1955, and submitted that a marriage can be solemnised and registered under the provisions of the said Act only when both parties are Hindus. In the present case, the appellant/plaintiff was a Christian at the time of the alleged marriage and, therefore, the marriage registered under the Hindu Marriage Act is void *ab initio*.

17. The learned counsel further submitted that the appellant/plaintiff and the respondent/defendant had never lived together as husband and wife and that there had been no contact between them after the month of May, 2010, as they had parted ways.


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18. The learned counsel further submitted that the defendant had not disputed the plaintiff's claim that he was a Christian. According to him, the Trial Court failed to appreciate the oral and documentary evidence and erroneously dismissed the suit. He further contended that the finding of the Trial Court disbelieving the plaintiff's claim of being a Christian, despite the production of the baptism certificates and photographs, is unsustainable, particularly when the defendant had neither specifically disputed the same nor adduced any evidence to disprove it.

19. The learned counsel further drew the attention of this Court to the admission made by the defendant during her cross-examination that no marriage ceremony had been performed prior to the registration. He also pointed out that neither a marriage invitation nor photographs of the alleged marriage had been produced before the Trial Court. He further submitted that the defendant had admitted that the plaintiff had proceeded to Bangalore for his studies after the alleged marriage.

20. The learned counsel further contended that when a marriage is sought to be solemnised between a Christian and a Hindu, the statutory requirements and procedures applicable to such a marriage have to be followed, which


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admittedly had not been done in the present case. In the above circumstances, the learned counsel sought this Court to set aside the judgment and decree dated 13.11.2019 passed in O.S.No.96 of 2010 and grant the relief sought for in the plaint.

21. The following legal issue arises for consideration in the present appeal in terms of Order XLI Rule 30 of CPC:

> "*Whether a marriage between a Hindu and a Christian can be solemnised and registered under the provisions of the Hindu Marriage Act, 1955?*"

22. Before proceeding to consider the above legal issue, it would be appropriate to examine the facts and evidence adduced before the Trial Court and determine the following points:

i) Whether the plaintiff was a Christian at the time of marriage?

ii) Whether any marriage was solemnised before the registration on 20.02.2009?

23. The specific case of the plaintiff before the Trial Court was that he was a Christian and had undergone baptism at the Irumbuliyur Pentecostal Mission. In support of his claim, he produced Ex.A2, the baptism certificate



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issued by the Pentecostal Mission, Irumbuliyur, which records that baptism was administered to him on 14.04.2006, bearing Entry Serial No.634. It is also seen that the plaintiff had earlier undergone baptism at St. John the Baptist Church, a Roman Catholic Church, on 11.04.1998, vide Serial No.26 of 1998. However, the Trial Court disbelieved the plaintiff's claim on the ground that, during his cross-examination, he had referred to two different dates, namely, 11.04.1998 and 14.04.2006, as the dates on which he had undergone baptism, and treated the same as a contradiction. The baptism certificate of the plaintiff's father was marked as Ex.A5 and the baptism certificate of the mother was marked as Ex.A6. Ex.A5 also reveals that the plaintiff's father was born on 20.05.1954 and his name is given as R.Arumugham @ Arunkumar. Ex.A6 reveals that the plaintiff's mother was born on 13.05.1963 and her husband's name is given as R.Arumugham @ Arunkumar. Both the documents were marked after comparison with the original.

24. We are of the view that the Trial Court failed to properly appreciate the oral and documentary evidence available on record. More particularly, during his cross-examination, the plaintiff had clearly stated that his father was baptised on 10.10.1982 and his mother was baptised as early as on 13.04.1985. The said statements made during cross-examination are also supported by Exs.A5 and A6.


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25. Further, the plaintiff had also explained that he was initially baptised at St. John the Baptist Church, a Roman Catholic Church, and subsequently, upon deciding to follow the Pentecostal faith, he underwent baptism again on 14.04.2006. Therefore, he had referred to the latter baptism in the plaint. Further, the plaintiff had produced a certified copy of the extract from the baptism register of St. John the Baptist Church, evidencing that baptism was administered to him on 11.04.1998. The said document was marked as Ex.A8. The Trial Court failed to appreciate that baptism is a religious ceremony performed not only in the case of a person converting to Christianity but also in the case of a person born into a Christian family. Baptism serves as a ritual to permit an individual to join a different community or Church of Christians, from the another community or Church. The Trial Court failed to note the subtle difference in such rituals. The learned Trial Judge also failed to take note of the fact that the defendant had not specifically disputed the plaintiff's claim regarding his religious status. Similarly, it is pertinent to state that merely because a person bears a name commonly associated with a particular religion or faith, the same cannot, by itself, be a ground to determine or presume the religious identity of such person. In a country like India, where people belonging to different religions and faiths coexist, it is not uncommon for persons professing different religions to have names that are common across religions or are traditionally associated with a particular faith. Therefore, the name of a person, by itself, cannot be relied upon to reject or disbelieve the


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claim made by such person regarding the religion professed by him. Similarly, merely because Government records, such as the Aadhaar Card, Ration Card or Voter Identity Card, contain a particular name, the claim of a person regarding his or her religious identity cannot be discarded on that basis. It is also pertinent to note that none of the aforesaid Government records produced in the present case contains any entry relating to the religion of the plaintiff. In the light of the above, the finding of the Trial Court disbelieving the plaintiff's claim that he was a Christian cannot be sustained. Upon a consideration of the entire evidence available on record, we have no hesitation in holding that the plaintiff was a Christian at the time of the alleged marriage.

26. We shall now proceed to consider the contents of the marriage register, dated 20.02.2009, registered under the provisions of the Hindu Marriage Act, 1955, vide Serial No.157 of 2009. On a perusal of the said certificate, it is seen that the caste of the plaintiff has been recorded as “Hindu”, which, according to us, is erroneous on the face of it, as Hinduism is a religion and not a caste. The Registrar ought to have mentioned the specific caste of the parties in the certificate and if the Registrar had endeavoured to ascertain the correct particulars, the fact that the plaintiff was not a Hindu could have been revealed.


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27. It is further seen that, in Serial No.5 of the marriage registration certificate, the name of the person who allegedly solemnised the marriage has been mentioned as Raghu Gurukkal. However, the address of the person who solemnised the marriage, which was also required to be furnished, has not been mentioned. In Serial No.6, it has been recorded that the marriage was performed in accordance with the customary rites and ceremonies of either party to the marriage. In Serial No.7, the place of solemnisation of the marriage has been mentioned as Geetha Bhavan Kalyana Mandapam, No.334 (233), Avvai Shanmugam Salai, Lloyds Road, Gopalapuram, Chennai.

28. It is further relevant to note that the defendant, in her written statement, had not specifically pleaded that the marriage was, in fact, solemnised at Geetha Bhavan Kalyana Mandapam in accordance with the customary rites and ceremonies applicable to the parties. She had also not specifically asserted that all the particulars furnished in the marriage registration certificate were true and correct. In fact, the defendant had not even raised a specific plea regarding the validity of the registration and established that the statutory requirements governing the solemnisation of a Hindu marriage had been duly complied with.


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29. However, during cross examination, the defendant had admitted that she had not stated the muhurtham or the time at which the alleged marriage ceremony was performed and the particulars of the witnesses to the marriage had also not been furnished in the written statement. In fact, the defendant had admitted during the cross examination that no such marriage ceremony took place and it is only for the purpose of registration, they had mentioned "yes" in Column 6, which indicates that no marriage had been solemnised in accordance with the customary rites and ceremonies. Her admission during cross-examination that no marriage ceremony had taken place assumes significance in determining the validity of the registration. Therefore, on the face of it, the particulars mentioned in the certificate are false. Hence, we conclude that the marriage has not been solemnized before registration by following the Hindu customary rites and ceremonies. Such a shelter under Section 7A can also be taken only by two Hindus, which is evident from the language used in Section 7A. Even if either of the parties to the marriage is not a Hindu, any marriage under Section 7A would be void.

30. It is also pertinent to note that the defendant has not pleaded that the alleged marriage was solemnised in accordance with Section 7-A of the Hindu Marriage Act, 1955, which provides for the solemnisation of marriages by the form of self-respect marriages, notwithstanding the customary requirements


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contemplated under Section 7 of the said Act. In the absence of any such specific pleading and directly placing evidence to the effect that exchange of garlands and rings took place before the Registrar, the defendant cannot seek to sustain the validity of the registration.

31. We shall now proceed to consider the legal issue involved in the present appeal. We have already held that the appellant/plaintiff was a Christian at the time of the alleged marriage. Section 5 of the Hindu Marriage Act, 1955, prescribes the conditions for a valid Hindu marriage and the same reads as under.

> *"Section 5:-*
> ***Conditions for a Hindu marriage.-***
>
> *A marriage may be solemnized between any two Hindus, if the following conditions are fulfilled, namely:*
>
> *(i)neither party has a spouse living at the time of the marriage;*
>
> *(ii)at the time of the marriage, neither party*
>
> *(a)is incapable of giving a valid consent to it in consequence of unsoundness of mind; or*
>
> *(b)though capable of giving a valid consent, has been suffering from mental disorder of such a kind or to such an extent as to be unfit for marriage and the procreation of children; or*
>
> *(c)has been subject to recurrent attacks of insanity ***;*
>
> *(iii)the bridegroom has completed the age of twenty-one years and*


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*the bride, the age of eighteen years at the time of the marriage;*

*(iv)the parties are not within the degrees of prohibited relationship unless the custom or usage governing each of them permits of a marriage between the two;*

*(v)the parties are not sapindas of each other, unless the custom or usage governing each of them permits of a marriage between the two;"*

A plain reading of the said provision makes it clear that a marriage under the Act can be solemnized only between two Hindus. Section 8 of the Act provides for the registration of Hindu marriages and framing of the rules, primarily to facilitate proof of marriages solemnized to enable the parties to any such marriage that has taken place to enter such particulars relating to their marriage in such manner, subject to the conditions prescribed in the Hindu Marriage Register kept for that purpose. Therefore, a conjoint reading of Sections 5 and 8 of the Hindu Marriage Act makes it clear that a marriage between a Hindu and a person professing a different religion cannot be solemnized and validated by a mere registration under the said Act.

32. In the present case, the appellant/plaintiff is a Christian. Therefore, the validity of a marriage between a Christian and a non-Christian would be governed by the provisions of the Indian Christian Marriage Act, 1872. Section 4 of the Indian Christian Marriage Act, 1872, provides that every marriage


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between persons, one or both of whom is or are Christian, shall be solemnised in accordance with the provisions of the Act and that any such marriage solemnised otherwise than in accordance with those provisions shall be void.

33. Section 5 of the Indian Christian Marriage Act, 1872 prescribes the persons by whom marriages may be solemnised in India. The relevant provision reads as follows:

> *"**5. Persons by whom marriages may be solemnized.**—Marriages may be solemnized in India—*
>
> *(1) by any person who has received episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of which he is a Minister;*
>
> *(2) by any Clergyman of the Church of Scotland, provided that such marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of Scotland;*
>
> *(3) by any Minister of Religion licensed under this Act to solemnize marriages;*
>
> *(4) by, or in the presence of, a Marriage Registrar appointed under this Act;*
>
> *(5) by any person licensed under this Act to grant certificates of marriage between Indian Christians."*


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34. The above provisions fall under Part 1 of the Indian Christian Marriage Act, 1872. Part II deals with the time and place at which marriages may be solemnised, Part III deals with marriages solemnised by Ministers of Religion licensed, and Part IV deals with the registration of marriages solemnised by Ministers of Religion. Part V of the Act, deals with marriages solemnized by, or in the presence of, a Marriage Registrar. The procedures to be followed, including issuance and publication of notice, the issuance of a certificate, personal appearance, oath and consent are all dealt in Sections 38 to 42 of the Act. The Form of certificate is contemplated under Section 50. As per Section 51, the very solemnization of the marriage itself can happen only after the issuance of a certificate after following the procedures contemplated in the provision. Such solemnization has to be within two months from the date of notice under Section 52 and it is only after solemnization, a registration can take place under Section 54. Though there is no impediment under the Act for a Christian to a marry a person of another faith, the procedures contemplated therein have to be followed. In the present case, the alleged marriage has not been solemnised or registered in accordance with the provisions of the Indian Christian Marriage Act, 1872.

35. It is also relevant to note that the Special Marriage Act, 1954, provides a statutory framework for solemnisation of marriages between persons


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professing different religions or faith. A registration under the Special Marriage Act is the only exception to save such marriages, provided the procedure contemplated under the Special Marriage Act is followed. Section 4 of the said Act prescribes the conditions relating to the solemnisation of special marriages, which reads as follows:

> *"**4. Conditions relating to solemnization of special marriages***
>
> *Notwithstanding anything contained in any other law for the time being in force relating to the solemnization of marriages, a marriage between any two persons may be solemnized under this Act, if at the time of the marriage the following conditions are fulfilled, namely:*
>
> *(a) neither party has a spouse living;*
>
> *(b)[ neither party [Substituted by Act 68 of 1976, Section 21 (w.e.f. 27.5.1976).]*
>
> *(i) is incapable of giving a valid consent to it in consequence of unsoundness of mind; or*
>
> *(ii) though capable of giving a valid consent, has been suffering from mental disorder of such a kind or to such an extent as to be unfit for marriage and the protection of children; or*
>
> *(iii) has been subject to recurrent attacks of insanity [* * *]; ]*
>
> *(c) the male has completed the age of twenty-one years and the female the age of eighteen years;*
>
> *(d) [the parties are not within the degrees of prohibited relationship: [Substituted by Act 32 of 1963, Section 2 (w.e.f. 22.9.1963).]*
>
> *Provided that where a custom governing at least one of the parties permits of a marriage between them, such marriage may be solemnized, notwithstanding that they are within the degrees of prohibited relationship; and*


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*(e) [where the marriage is solemnized in the State of Jammu and Kashmir, both parties are citizens of India domiciled in the territories to which this Act extends.]*

*[Explanation. In this section, custom, in relation to a person belonging to any tribe, community, group or family, means any rule which the State Government may, by notification in the Official Gazette, specify in this behalf as applicable to members of that tribe, community, group or family:*

*Provided that no such notification shall be issued in relation to the members of any tribe, community, group or family, unless the State Government is satisfied*

*(i) that such rule has been continuously and uniformly observed for a long time among those members;*

*(ii) that such rule is certain and not unreasonable or opposed to public policy; and*

*(iii) that such rule, if applicable only to a family, has not been discontinued by the family.]"*

36. The procedure for solemnisation of a marriage under the Special Marriage Act, 1954, is prescribed under Sections 4 to 14 of the said Act. Further, Sections 15, 16 and 18 of the said Act provide for registration of marriages celebrated in other forms, the procedure for such registration and the legal effect of registration, respectively. Thus, the Special Marriage Act provides a statutory mechanism for solemnization of inter-religious marriages and also recognises registration of marriages celebrated in other forms, subject to the conditions and procedures prescribed therein. Such marriages registered under the provisions of the 1954 Act are granted legal sanctity and recognition.


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37. In the present case, the marriage was admittedly not solemnised or registered under the provisions of the Special Marriage Act by following the procedure contemplated therein. However, on suppression of material facts, the marriage has been registered under the provisions of the Hindu Marriage Act, which is unsustainable. Such registration will not grant legal recognition to the marriage.

38. In this regard, it would be useful to refer to the judgment of the Hon'ble Supreme Court in ***Gullipilli Sowria Raj v. Bandaru Pavani @ Gullipili Pavani***, reported in (2009) 1 SCC 714, wherein the Hon'ble Apex Court categorically held that a marriage between a Hindu and a person professing a different faith is not recognised under Section 5 of the Hindu Marriage Act, 1955, and that the registration of such a marriage under Section 8 of the said Act cannot validate a marriage which is otherwise not recognised under the Act. The relevant paragraphs of the said judgment read as follows:

> *"**16.** Although, an attempt has been made to establish that the Hindu Marriage Act, 1955 did not prohibit a valid Hindu marriage of a Hindu and another professing a different faith, we are unable to agree with such submission in view of the definite scheme of the 1955 Act. In order to appreciate the same, we may first refer to the Preamble to the Hindu Marriage Act, 1955, which reads as follows:*


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*"An Act to amend and codify the law relating to marriage among Hindus."*

*(emphasis added)*

*As submitted by Mr Rao, the Preamble itself indicates that the Act was enacted to codify the law relating to marriage amongst Hindus.*

***17.*** *Section 2 of the Act which deals with application of the Act, and has been reproduced hereinabove, reinforces the said proposition. Section 5 of the Act thereafter also makes it clear that a marriage may be solemnised between any two Hindus if the conditions contained in the said section were fulfilled. The usage of the expression "may" in the opening line of the section, in our view, does not make the provision of Section 5 optional. On the other hand, it in positive terms, indicates that a marriage can be solemnised between two Hindus if the conditions indicated were fulfilled. In other words, in the event the conditions remain unfulfilled, a marriage between two Hindus could not be solemnised. The expression "may" used in the opening words of Section 5 is not directory, as has been sought to be argued, but mandatory and non-fulfilment thereof would not permit a marriage under the Act between two Hindus. Section 7 of the 1955 Act is to be read along with Section 5 in that a Hindu marriage, as understood under Section 5, could be solemnised according to the ceremonies indicated therein.*

*18. In the facts pleaded by the respondent in her application under Section 12(1)(c) of the 1955 Act and the admission of the appellant*


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*that he was and still is a Christian belonging to the Roman Catholic denomination, the marriage solemnised in accordance with Hindu customs was a nullity and its registration under Section 8 of the Act could not and/or did not validate the same. In our view, the High Court rightly allowed the appeal preferred by the respondent herein and the judgment and order of the High Court does not warrant any interference.*

*19. The other question raised regarding the subsequent marriage of the respondent is of little relevance once we have held that the marriage purported to have been performed between the appellant and the respondent on 24-10-1996 was a nullity. Hence, no decision is called for in that regard and we also make no observation in respect thereof."*

39. A Division Bench of this Court in ***Jeyakumari vs. Stephen*** (AS(MD) No.96 of 2016), has also considered the validity of a marriage between a Christian and a Hindu and held as follows:

*"28. Admittedly, in the case on hand, no such registration has taken place and hence, we have no other option but to hold that since no such registration having taken place in the instant case as required under Section 15 of the Special Marriage Act, 1954, the marriage solemnized between the plaintiff and defendant is null and void.*

*29. It is to be noted that there cannot be a valid form of marriage between an Indian Christian and a Hindu woman celebrated according to Hindu customs and rites. A marriage under Hindu*


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*Law with Hindu customs and rites and ceremonies is not permissible between a Christian and a Hindu. A marriage between the Hindu and a Christian is possible only under either the Christian Marriage Act or under the Special Marriage Act. No such marriage was taken place between the plaintiff and the defendant under the above said Acts. Inasmuch as the plaintiff is not a Hindu and the marriage ceremony that was conducted in accordance with Hindu Law, the marriage between the plaintiff and defendant is void and hence, there is no valid marriage between them. Further, a marriage between the Hindu and Christian cannot be celebrated under the Hindu Marriage Act and hence, the marriage in the instant case creates no obligation between the parties and there cannot be a relationship of husband and wife, in law, between the plaintiff and defendant."*

The ratio in the above judgments would be squarely applicable to the facts of the present case. Though we disagree with the case of the plaintiff with regard to his knowledge about the registration of the marriage in the plaint and in his evidence, in view of the above legal position, we are of the view that the marriage registered vide Serial No.157 of 2009, dated 20.02.2009 is void and therefore, the plaintiff would be entitled to the declaration sought for.

40. For the foregoing reasons, the judgment and decree dated 13.11.2019 passed by the V Additional Family Court, Chennai, in O.S.No.96 of 2010 are set aside. The marriage registered vide Serial No.157 of 2009, dated



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20.02.2009, on the file of the Hindu Marriage Registrar, Chennai Central, is hereby declared null and void. Accordingly, the appeal is allowed. No costs.

41. We are conscious about the fact that it has literally taken 16 years to declare a void registration of a marriage as void and to avoid such litigations, we deem it necessary to send a copy of this order to the Inspector General of Registration, Chennai, who shall forward the same to all the notified Marriage Registrars, in the State, who shall ensure that only true particulars are entered and the registration is done after following the due procedures under law.

42. Registry is directed to circulate a copy of this order to all the Family Courts functioning in the State of Tamil Nadu, for their information and guidance.

**(C.V.K.,J.) (S.R.K.,J.)**
**19-11-2026**

Index: Yes
Speaking order
Neutral Citation: Yes
PVS

To
V Additional Family Court, Chennai


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**C.V.KARTHIKEYAN, J.**
**AND**
**S.RAVEEKUMAR, J.**

**PVS**

**Pre Delivery Judgment in**
**AS No. 79 of 2020**

**19-11-2026**



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