

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 429 of 2026

**FOR APPROVAL AND SIGNATURE:
HONOURABLE MR. JUSTICE ILESH J. VORA
and
HONOURABLE MR. JUSTICE R. T. VACHHANI**

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Approved for Reporting	Yes	No
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Versus		
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Appearance:
MR. RAHIL P JAIN(7305) for the Appellant(s) No. 1
ANURAG R RATHOR(9315) for the Defendant(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA
and
HONOURABLE MR. JUSTICE R. T. VACHHANI**

**Date : 23/06/2026
ORAL JUDGMENT
(PER : HONOURABLE MR. JUSTICE R. T. VACHHANI)**

1. The present appeal is filed challenging the judgment and order dated 13.11.2025 passed by the learned Judge, Family Court, Ahmedabad in Family Suit No. 715 of 2025, whereby the learned Family Court was pleased to reject the application for passing a decree on the basis of admission and to dismiss the petition filed by the appellant under Sections 5, 7 and 12 of the Hindu Marriage Act, 1955 seeking a declaration that the alleged marriage between the parties is null and void.

2. The learned Family Court was pleased to hold that the existence of a registered marriage certificate raises a presumption of valid marriage and therefore the matter requires full trial. The learned Family Court

rejected the application for decree on admission and dismissed the petition.

3. The brief facts leading to filing of the present appeal are as under:

3.1. The appellant is residing in the United Kingdom for the purpose of job and study. The defendant is residing at Ahmedabad. The appellant came to know about the alleged marriage only when the defendant approached his parents and handed over a marriage certificate claiming that she is his lawfully wedded wife.

3.2. The appellant has stated that he never solemnized any marriage with the defendant, never performed any Hindu rites and ceremonies, and never lived with her as husband and wife. He has further stated that he was working in the company of the defendant's father and that his signature on the marriage documents was obtained fraudulently under inducement of promotion or threat of termination, without his free consent.

3.3. During the proceedings before the Family Court, the defendant filed her written statement in which she clearly admitted that no rites and rituals were performed by the parties and that no lawful marriage was solemnized between them. She further admitted that the parties hold no relation as husband and wife. Based on this admission, the appellant filed an application for passing a decree on admission. However, the learned Family Court rejected the said application vide order dated 13.11.2025 and dismissed the petition.

4. Learned Advocate for the appellant has submitted that the learned

Family Court committed a serious error in not acting upon the clear and unambiguous admission made by the defendant in her written statement. It is submitted that when the defendant herself has admitted that no Hindu rites and ceremonies were performed and that no lawful marriage was solemnized, there was no justification for directing a full trial. It is further submitted that the mere existence of a marriage certificate cannot create a valid marriage when the essential ceremonies were never performed and when the defendant herself has admitted this fact on record. The learned Advocate prayed that the appeal be allowed and the alleged marriage be declared null and void.

5. Learned Advocate for the defendant has submitted that except registration of the marriage, nothing sort of any material is placed on record so as to establish the factum of the marriage, having been solemnized and submitted to pass appropriate order.

6. We have carefully gone through the memorandum of appeal, the impugned judgment and order and the material placed on record.

7. The main question that arises for consideration is whether the learned Family Court was justified in rejecting the application for decree on admission when the defendant herself has made a clear and categorical admission in her written statement that no lawful marriage was solemnized between the parties.

8. It reflects that the marriage has not been solemnized between the parties and there was no occasion for parties concerned to stay and reside as husband and wife. On the contrary, it goes to indicate that the defendant on being served with the notice, has categorically and extraneously conceded rather admitted the factum of issuance of marriage

certificate in absence of the solemnization of marriage.

9. It is an admitted fact that, in her written statement, the defendant has clearly stated that no marriage rites or ceremonies were performed between the parties and that no lawful marriage was solemnized between them. She has also specifically stated that the parties do not have the relationship of husband and wife. This admission is clear, direct, and unambiguous, and it relates to the main issue involved in the dispute.

SECTION 7 OF THE HINDU MARRIAGE ACT:

10. Under Hindu law, a marriage is valid only if the essential rites and ceremonies required by law are performed. The respondent herself has admitted that no such rites and ceremonies were performed. Therefore, when the person who seeks to rely upon and obtain the benefit of the marriage certificate has admitted on record that no marriage was ever solemnized, the presumption arising from the registration of the marriage stands rebutted. In such circumstances, directing the parties to undergo a full-fledged trial would serve no useful purpose.

11. At this stage, we refer to Section 7 of the Hindu Marriage Act, 1955, which reads as under:

“7. Ceremonies for a Hindu marriage.—(1) A Hindu marriage may be solemnized in accordance with the customary rites and ceremonies of either party thereto. (2) Where such rites and ceremonies include the Saptapadi (that is, the taking of seven steps by the bridegroom and the bride jointly before the sacred fire), the marriage becomes complete and binding when the seventh step is taken.”

12. Section 7 of the Hindu Marriage Act, 1955 deals with the ceremonies required for a Hindu marriage. Sub-section (1) provides that a

Hindu marriage may be solemnized according to the customary rites and ceremonies followed by either party. Sub-section (2) further provides that where such rites and ceremonies include Saptapadi, the marriage becomes complete and legally binding only when the seventh step is taken. The word “solemnized” used in Section 7 means that the marriage must be performed in the proper manner and with the required ceremonies. Unless the marriage is performed with the necessary customary rites and ceremonies, it cannot be treated as a marriage that has been solemnized under the Act. In the absence of such solemnization, there is no valid Hindu marriage in the eyes of law.

13. In the present case, we find that the respondent herself filed a written statement before the learned Family Court in which she clearly and unequivocally admitted that no marriage rites or ceremonies were performed between the parties and that no lawful marriage was solemnized between them. She has also admitted that the parties do not share the relationship of husband and wife. This admission is clear, direct, and unambiguous, and it goes to the very foundation of the dispute. When the respondent, who seeks to claim the benefit of the alleged marriage, has herself admitted on record that the essential marriage ceremonies were never performed, the basic legal requirement for a valid Hindu marriage under Section 7 stands completely disproved.

SECTION 8 OF THE HINDU MARRIAGE ACT:

14. We further refer to Section 8 of the Hindu Marriage Act, 1955, which reads as under:

“8. Registration of Hindu marriages.—(1) For the purpose of facilitating the proof of Hindu marriages, the State Government may make rules providing that the parties to any such marriage may have the particulars relating to their marriage entered in such manner and subject to such

conditions as may be prescribed in a Hindu Marriage Register kept for the purpose.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, if it is of opinion that it is necessary or expedient so to do, provide that the entering of the particulars referred to in sub-section (1) shall be compulsory in the State or in any part thereof, whether in all cases or in such cases as may be specified, and where any such direction has been issued, any person contravening any rule made in this behalf shall be punishable with fine which may extend to twenty-five rupees.

(3) All rules made under this section shall be laid before the State Legislature, as soon as may be, after they are made.

(4) The Hindu Marriage Register shall at all reasonable times be open for inspection, and shall be admissible as evidence of the statements therein contained and certified extracts therefrom shall, on application, be given by the Registrar on payment to him of the prescribed fee.

(5) Notwithstanding anything contained in this section, the validity of any Hindu marriage shall in no way be affected by the omission to make the entry.”

15. Section 8 of the Hindu Marriage Act provides for the registration of Hindu marriages. The purpose of registration under Section 8 is only to provide evidence and proof of a marriage that has already been validly solemnized in accordance with Section 7 of the Act. Registration under Section 8 does not, by itself, make a marriage valid or legal if the essential ceremonies required under Section 7 have not been performed. In other words, a Hindu marriage can be validly registered only if a marriage has first been solemnized in accordance with Section 7. If no such marriage has actually taken place, any registration made or certificate issued will have no legal effect and will not create the legal status of husband and wife between the parties.

16. We are of the considered opinion that, since the respondent herself has admitted that no marriage rites and ceremonies were performed, the basic and essential requirement of a Hindu marriage is absent in the present case. Therefore, the existence of a marriage certificate or its registration cannot override, contradict, or nullify the legal effect of her clear admission that no marriage was ever solemnized. The learned Family Court committed an error by proceeding on the assumption that registration of the marriage, by itself, creates an irrebuttable presumption and therefore requires a full trial, without first examining whether the fundamental requirement of solemnization under Section 7 had been satisfied. When the respondent herself has admitted that the essential marriage ceremonies were never performed, there was no justification or useful purpose in directing the parties to undergo a lengthy and protracted trial.

SOLEMNIZATION OF MARRIAGE:

17. We observe that, in the context of Saptapadi in a Hindu marriage, the Rig Veda states that after the seventh step is completed, the bridegroom says to the bride: “With seven steps we have become friends (sakha). May I attain friendship with you and may I never be separated from that friendship.” In Hindu tradition, a wife is regarded as one-half of her husband (ardhangini), while at the same time being recognized as an individual with her own identity and as an equal partner in the marriage. Under Hindu Law, marriage is considered a sacrament or samskara. It forms the foundation of a new family.

18. We further observe that a Hindu marriage is a samskara and a sacrament, and it must be given its due status as an institution of great importance in Indian society. We therefore urge young men and women to carefully consider the institution of marriage before entering into it and

to understand the sacred nature of this institution in Indian society. Marriage is not merely an occasion for 'song and dance' or 'wining and dining'. Marriage is not a commercial transaction. It is a solemn and foundational event through which a man and a woman enter into a relationship as husband and wife for the purpose of building a family in the future, which is the basic unit of Indian society. A Hindu marriage facilitates procreation, strengthens the family unit, and promotes the spirit of fraternity among different communities. Above all, marriage is sacred because it creates a lifelong, dignified, equal, consensual, and healthy union between 2 individuals. It is also regarded as an event that helps an individual attain salvation, particularly when the prescribed rites and ceremonies are duly performed. The customary ceremonies, despite their geographical and cultural variations, are believed to purify and transform the spiritual being of an individual.

19. In the facts of the present case, the respondent has herself admitted in her written statement that no rites or rituals were performed and that no lawful marriage was solemnized between the parties. When the very foundation of a Hindu marriage, namely the performance of the essential ceremonies, is admittedly absent, the spiritual, social, and legal status that Hindu law grants to marriage as a sacrament and samskara never came into existence. Therefore, the relationship between the parties never acquired the legal status of husband and wife. Any document or registration that purports to certify such a non-existent marriage cannot confer upon the parties a status that can arise only from a validly solemnized Hindu marriage.

20. It is apt to place reliance on the judgment passed by the Supreme Court in the case of ***Rathnamma & Ors. v. Sujathamma & Ors., Civil Appeal No. 3050 of 2010***, wherein it is held that mere registration of an

agreement of marriage is not sufficient to prove marriage. In the present case, although the alleged marriage stands registered and a certificate has been issued, the respondent herself has admitted in her written statement that no rites and rituals were performed and no lawful marriage was solemnized between the parties. Therefore, the registration or the certificate cannot be treated as proof of a valid marriage, and the learned Family Court ought to have passed a decree on the basis of the said clear admission.

21. The appellant has also pointed out that he was residing in the United Kingdom, that he was never informed about the alleged marriage, and that there has been no cohabitation between the parties at any point of time. These facts remain uncontroverted. The admission made by the defendant fully supports the case of the appellant that no valid marriage ever took place.

22. The learned Family Court ought to have appreciated that when one party makes a clear admission on the foundational fact that no marriage was solemnized, the Court can and should pass a decree on the basis of such admission instead of forcing the parties into a long and unnecessary trial. By refusing to act on the admission, the learned Family Court has caused injustice to the appellant and has prolonged the litigation without any real benefit.

23. In view of the forgoing reasons, the impugned judgment and order passed by the learned Family Court cannot be sustained. The appeal deserves to be allowed.

24. The impugned judgment and order dated 13.11.2025 passed by the learned Judge, Family Court, Ahmedabad in Family Suit No. 715 of 2025

is hereby quashed and set aside. The alleged marriage between the appellant and the defendant, is hereby declared null and void ab initio, as no right or liability flows from such marriage.

25. Liberty is reserved to the appellant to take appropriate steps before the competent authority for cancellation of the marriage registration and the marriage certificate issued in respect of the parties. No order as to costs.

(ILESH J. VORA, J)

(R. T. VACHHANI, J)

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