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

Date of decision: 17th NOVEMBER, 2026

IN THE MATTER OF:

\# **CNR No. DLHC010534652026**

\+ **MAT.APP.(F.C.) 412/2026**

YASMEEN @ JASS KHAN @ KOMAL GUPTA .....Appellant

Through: Advocate (appearance not given).

versus

ADITYA NARAYAN ARYA GARG .....Respondent

Through: Mr. Vivek Sood, Senior Advocate, Mr. Abhishek Varma, Adv., Mr. Sanjay Garg, Adv., Ms. Sanskruti Tiwari, Adv

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

JUDGMENT (ORAL)

1. The present Appeal assails the Order dated 16.09.2026 passed by the learned Principal Judge, Family Court, East District, Karkardooma Courts, Delhi (*hereinafter referred to as* "**the Family Court**") in CS No. 18/2026, whereby the application filed by the Respondent herein under Order XII Rule 6 read with Section 151 of the Code of Civil Procedure, 1908 (*hereinafter referred to as* "**CPC**") was allowed and a decree of declaration was passed declaring the marriage between the Respondent and the Appellant, solemnized on 15.07.2024 at Chandigarh, to be invalid, illegal, a nullity and *void ab initio*.

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2. The dispute between the parties primarily arose out of the controversy concerning the identity, parentage and religious affiliation of the Appellant, who is arrayed in the Suit as Yasmeen @ Jass Khan @ Komal Gupta. The case put forth by the Respondent before the Family Court was that the Appellant herein had represented herself as Komal Gupta, daughter of one Sh. Manoj Gupta, whereas her actual name was Yasmeen, daughter of Mohd. Shahid @ Sayeed @ Saheed, and that she was a Muslim by religion. It is stated that the matrimonial profile of the Appellant on the website, namely Shaadi.com, bearing Profile ID No. SH05709787, described her as Komal Gupta, daughter of Sh. Manoj Gupta, belonging to Garg gotra, born on 20.07.1998 and a graduate. It is stated that the CBSE Class X certificate of the Appellant also records her date of birth as 20.07.1998. However, the Aadhaar particulars reproduced in the Impugned Order reflect her date of birth as 20.07.1996. The Respondent, relying on these records, along with other identity documents, contended that the name of the Appellant had consistently been recorded as Yasmeen D/o Shahid @ Sayeed @ Saheed.

3. It is the Appellant's case that she is a Hindu by birth, upbringing, faith and practice, and is the daughter of Sh. Manoj Kumar Gupta and Smt. Seema Gupta. It is stated that her mother had earlier been married to one Sh. Shahid, from whom she had two sons, namely Farman and Vimal. It is stated that after the death of her first husband, her mother had converted to Hinduism and married Sh. Manoj Kumar Gupta approximately 30–32 years ago. It is stated that the Appellant was born out of the wedlock of Sh. Manoj Kumar Gupta and Smt. Seema Gupta and was brought up in a Hindu household. Further, it is stated that during the matrimonial discussions, the

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Appellant's father had disclosed the circumstances concerning the marriage between him and the Appellant's mother to the Respondent and his family. It is stated that the name "Yasmeen" and the name of her mother's former husband, Sh. Shahid, came to be reflected in some of the identity and educational documents of the Appellant on account of an erroneous entry made by her mother at the time of her school admission. It is stated that the said entry was subsequently carried forward into her CBSE Class X and XII certificates and other records. According to the Appellant, this discrepancy in her documents did not reflect her actual parentage or religious identity. It is the stand of the Appellant that she is known as Komal Gupta and that Sh. Manoj Kumar Gupta is her biological father. According to the Appellant, the Respondent and his family were made aware of these circumstances before the marriage, and that the relevant documents bearing the name "Yasmeen" were also shared with the Respondent through a WhatsApp communication dated 07.07.2024.

4. It is stated that upon the matrimonial alliance being finalised, the Roka ceremony was held on 21.04.2024 at Mohali. Subsequently, on 15.07.2024, the parties got married at The Lalit, Chandigarh.

5. The Respondent's case is that during the period preceding their marriage, he had planned to travel abroad with the Appellant for their honeymoon, and for that purpose, he sought her passport particulars. According to the Respondent, although the Appellant had initially stated that she possessed a passport, she did not provide the requisite details to him, and subsequently stated to him that no passport had been issued to her. It is stated that this incident raised doubts in the mind of the Respondent, after

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which a meeting was held at Chandigarh approximately a week before the marriage. It is stated that the Appellant and her family assured the Respondent and his parents that nothing was being concealed from them and explained the discrepancy regarding the passport. The Respondent claimed that, relying upon these assurances, he proceeded with the marriage.

6. The Respondent's principal allegation is that, on the early morning of 12.08.2024, he found the Appellant sitting on the floor with her head covered and offering Namaz. It is stated that, on being questioned, the Appellant allegedly disclosed that she was a staunch Muslim and that her real name was Yasmeen and that she had returned from her parental home after undergoing a process of purification, as she considered herself to have become impure by participating in Hindu marriage rituals. The Respondent alleges that the Appellant further stated that he would have to convert to Islam before they could have marital relations, as otherwise she would become impure by having a physical relationship with a Hindu. According to the Respondent, he attempted to persuade the Appellant for approximately a week, but she remained firm in her demand. It is stated that the Appellant insisted that he convert to Islam, and when he refused to do so, the Appellant left her matrimonial home on 18.08.2024. It is stated that upon making inquiries regarding the Appellant and her family, the Respondent discovered that the actual name of the Appellant was Yasmeen and her father's name was Mohd. Shahid @ Sayeed @ Saheed. It is further stated that the Appellant and members of her family professed Islam and had adopted Hindu names and identities for the purpose of arranging her marriage into a Hindu family. The Respondent has also made allegations

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regarding the criminal antecedents of the Appellant's brothers by stating that her elder brother, Farman @ Mulla, is involved in several criminal cases and has been in custody since 2022. Farman had only obtained conditional bail for two days to attend their marriage. The Respondent also alleges that the Appellant's younger brother, whom he referred to as Usmaan @ Vimal, is also involved in criminal cases.

7. It is stated that after the separation, discussions were held between the families, and on 30.08.2024, the Appellant, accompanied by her parents and brother, came to Mohali to meet the Respondent and his family. According to the Respondent, the meeting did not result in reconciliation, as the Appellant continued to insist upon his conversion to Islam, while disputes arose between the families, followed by allegations of abuse and threats. The Appellant and her family thereafter returned to Delhi. The Respondent claimed that the parties had been living separately since 18.08.2024 and had not thereafter lived together as husband and wife.

8. Thereafter, the Respondent instituted a Suit before the court of competent jurisdiction in Chandigarh, seeking a declaration that his marriage with the Appellant was invalid, illegal, null and *void ab initio* on the ground that the marriage between the parties could not be recognised as a valid marriage under the Hindu Marriage Act, 1955 (*hereinafter referred to as* "**HMA**"), since the Appellant is a Muslim and the Respondent is a Hindu. It is stated that the Appellant did not appear in the proceedings instituted at Chandigarh and therefore, the case was proceeded *ex parte* on 20.01.2025. It is stated that her right to file a Written Statement was also closed, and the Respondent was directed to lead evidence. It is stated that the

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Appellant thereafter approached the Apex Court by filing Transfer Petition (Civil) No. 1471/2025, whereby, *vide* order dated 04.12.2025, the proceedings were transferred from the Court at Chandigarh to the Court of the learned Principal Judge, Family Court, East District, Karkardooma Courts, Delhi and the Suit was registered as CS No. 18/2026.

9. It is stated that upon transfer of the proceedings, both parties appeared before the Family Court on 19.05.2026. The *ex parte* order passed against the Appellant was set aside, and *vide* the order dated 29.05.2026, she was granted 30 days to file her Written Statement, subject to payment of costs of ₹11,000/-. It is stated that the matter was also referred to mediation on the joint request of the parties. However, despite the mediation proceedings and subsequent adjournments, no settlement could be arrived at between them.

10. It is stated that the Appellant herein filed her Written Statement on 04.07.2026, denying the allegations made in the plaint. She specifically denied the allegation that she is a Muslim or that her name is Yasmeen. She stated that her name is Komal Gupta, and that she is the daughter of Sh. Manoj Kumar Gupta and Smt. Seema Gupta. She explained that her mother had earlier been married to late Sh. Shahid and had two sons out of the said wedlock, but had thereafter converted to Hinduism and married Sh. Manoj Kumar Gupta approximately 30–32 years ago. According to the Appellant, she and her sister were born out of the latter marriage and were brought up in a Hindu household. She asserted that the entry of the name "Yasmeen" and her mother's former husband's name in her school records was an error committed by her mother at the time of her admission, which was subsequently carried forward into her educational and other records. She

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also relied upon a paternity report dated 24.11.2025, which, according to the Appellant, identified Sh. Manoj Kumar Gupta as her biological father. In the Written Statement, the Appellant maintained that she had always professed Hinduism, and that the marriage had been solemnised between the parties in accordance with Hindu rites and ceremonies. The Appellant also disputed the Respondent's version regarding the alleged demand for conversion and the circumstances in which the parties separated. In the Written Statement, the Appellant herein also made various allegations of misdoings by the Respondent, which this Court is not considering at this juncture as they are irrelevant for the present Appeal.

11. It is stated that the Appellant also filed a Suit, bearing CS No. 308/2026, titled as Komal Gupta v. Union of India & Ors., on 15.04.2026, before the competent Court at Karkardooma, seeking correction of her name and her father's name in her Aadhaar and educational records.

12. During the pendency of the suit bearing CS No. CS No. 18/2026 , the Respondent filed an application under Order XII Rule 6 read with Section 151 CPC, seeking a decree on the basis of the admissions allegedly made by the Appellant in her Written Statement and the documents placed on record. The documents on which reliance was placed by the Respondent are as under:

a. Aadhaar Card of the Appellant, bearing the name Yasmeen D/o Shahid @ Sayeed @ Saheed.

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b. CBSE Class X Certificate, bearing the name Yasmeen, father's/guardian's name as Md. Sayeed and date of birth as 20.07.1998.

c. CBSE Class XII Certificate/marks statement, also bearing the name Yasmeen and the corresponding parentage.

d. ICICI Bank Account Statement for Account No. 054201533004, for the period 2024–2026, showing the account holder's name as Yasmeen. The Respondent particularly relied upon the salary credits from Randstad India Pvt. Ltd. and PVH Arvind Fashions Pvt. Ltd., including the salary credit in July 2024, i.e. the month of the marriage.

e. Employment letter dated 03.02.2025 issued by Randstad India Pvt. Ltd., in the name of Yasmeen, recording her employee code as 1558638, designation as Store Manager, appointment with effect from 01.04.2022 and termination of contractual services with effect from 02.03.2025.

13. The Respondent contended that the Appellant had admitted that her Aadhaar Card, CBSE Class X and Class XII certificates, bank records and employment documents bore the name Yasmeen, daughter of Shahid @ Sayeed @ Saheed. It was argued that these documents demonstrated that the identity under which the Appellant had represented herself on the matrimonial website was contrary to her established documentary identity. The Respondent accordingly contended that, in view of the admitted documentary record, no trial was necessary and the marriage was liable to be declared void.

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14. The Appellant opposed the said application by filing a reply, wherein she reiterated that her admission was confined to the fact that the documents bore the aforesaid particulars and did not amount to an admission that she was a Muslim. She maintained that her religion, parentage and the circumstances in which the entries had been made in her documents were disputed questions of fact which required adjudication after trial. She also relied upon her explanation regarding the erroneous entries, the alleged disclosure made to the Respondent before marriage, the paternity report and the pending civil suit for correction of her records.

15. The learned Family Court heard arguments on the application on 14.09.2026, and *vide* the Impugned Order dated 16.09.2026, allowed the Respondent's application under Order XII Rule 6 CPC. The learned Family Court held that the Appellant had admitted that her Aadhaar Card, CBSE Class X and Class XII certificates, bank records and employment documents carried the name Yasmeen, daughter of Shahid @ Sayeed @ Saheed. It also considered the Appellant's explanation regarding the alleged erroneous entries and her reliance upon the paternity report and the proposed correction of her records. The learned Family Court found the explanations furnished by the Appellant insufficient to displace the documentary material and concluded that the Respondent was entitled to a decree of declaration. Accordingly, the marriage solemnised between the parties on 15.07.2024 was declared invalid, illegal, a nullity and *void ab initio*.

16. Aggrieved by the aforesaid order and the consequential decree dated 16.09.2026, the Appellant has filed the present Appeal, seeking setting aside

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of the Impugned Order and restoration of the suit for adjudication after framing of issues and permitting the parties to lead evidence.

17. Learned Counsel appearing for the Appellant draws the attention of this Court to a certificate dated 09.10.2026 issued by Axis Bank, Mayur Vihar Phase-I Branch, which records an account in the name of "Komal U/G Manoj Kumar Gupta" maintained since 16.08.2012. He states that there are documents to show that the name of the Appellant is Komal Gupta. He contends that the entry of the name "Yasmeen" and the name of Shahid as the father of the Appellant in certain educational and other records had occurred on account of an erroneous entry made by the mother of the Appellant at the time of her school admission, when she was passing through a period of emotional turmoil. Learned Counsel for the Appellant further places reliance on the paternity report dated 24.11.2025, to contend that Sh. Manoj Kumar Gupta is the biological father of the Appellant and that the Appellant is a Hindu.

18. Learned Counsel appearing for the Respondent supports the Impugned Order.

19. Having considered the submissions advanced and examined the record, this Court is unable to find any ground to interfere with the Impugned Order. The principal aspect of the matter is not merely that the Appellant's name appeared as Yasmeen in one isolated document. The record comprises a series of documents pertaining to different periods and issued or maintained by independent authorities and institutions, including the Aadhaar, the PAN, CBSE, the bank and her employer. The Appellant has not disputed the genuineness of these documents or the fact that they

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bear the name “Yasmeen” and the parentage Shahid @ Sayeed @ Saheed. Indeed, in her Written Statement and in her reply to the application under Order XII Rule 6 CPC, she has expressly acknowledged that the documents relied upon by the Respondent bear those particulars.

20. The Appellant's explanation that the entries were made erroneously at the time of her school admission does not, by itself, displace the evidentiary value of the subsequent records. The documents relied upon are not confined to school records originating during her childhood. The Aadhaar Card continued to be held and used in the name “Yasmeen”, while her bank account and employment records also reflected the same name. Significantly, the employment documents and bank statements show that she continued to transact and receive her salary under the said name even around the period of the marriage, during the year 2024. The consistent mentioning of her name as Yasmeen in these records over a substantial period lends support to the Respondent's case and cannot be brushed aside merely by describing the entries as an inadvertent error.

21. Equally significant is the absence of any contemporaneous and reliable documentary material establishing that Sh. Manoj Kumar Gupta was, in fact, the father of the Appellant. Although the Appellant has consistently asserted that she is the daughter of Sh. Manoj Kumar Gupta, no birth certificate, contemporaneous official record or other cogent document establishing the said relationship has been produced. The matrimonial profile on the website, namely Shaadi.com, in which the Appellant was named as Komal Gupta, daughter of Sh. Manoj Kumar Gupta, is a representation made on a matrimonial platform and cannot, in itself,

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establish the correctness of the particulars mentioned therein. The Appellant's assertion that her mother had remarried Sh. Manoj Kumar Gupta and that she was born out of that marriage remains unsupported by any independent, reliable documentary material.

22. The Appellant has placed reliance upon a certificate dated 09.10.2026 issued by Axis Bank, Mayur Vihar Phase-I Branch, which records an account in the name of "Komal U/G Manoj Kumar Gupta", which has been maintained since 16.08.2012. Even if the said certificate is taken into consideration, it does not advance the Appellant's case to the extent contended. The expression "U/G" in the account particulars identifies Sh. Manoj Kumar Gupta as the guardian in relation to the account; it does not certify or establish that he is the biological father of the Appellant. The certificate, therefore, cannot be treated as proof of the disputed relationship, particularly when the other contemporaneous identity and educational records consistently carry different particulars.

23. The Appellant has also relied upon a paternity report dated 24.11.2025 to substantiate her assertion that Sh. Manoj Kumar Gupta is her biological father. The learned Family Court has dealt with this aspect in the impugned order. The report was not obtained pursuant to any direction of a competent court, nor were the samples collected under judicial supervision. In the circumstances, the report, standing by itself, cannot be treated as conclusive proof of paternity so as to displace the consistent documentary record placed before the Family Court. The mere production of such a report does not establish that the findings returned by the learned Family Court are perverse or legally unsustainable.

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24. The Appellant's reliance upon the fact that her religion was specifically denied in the Written Statement also does not, in the facts of the present case, warrant interference. An admission for the purposes of Order XII Rule 6 CPC is not required to be confined to an express statement in a particular form; the Court is entitled to consider the pleadings and the documentary material placed on record as a whole and draws the inferences which reasonably follow therefrom. In the present case, the documentary particulars were admitted by the Appellant herself, and her explanation for the same was not supported by any cogent contemporaneous material establishing the alternative identity and parentage asserted by her. The learned Family Court was, therefore, justified in considering the cumulative effect of the admitted documents and the pleadings rather than viewing each document in isolation.

25. Section 2 of the HMA, which defines as to who is a Hindu, reads as under:

> "*2. Application of Act.—*
>
> *(1) This Act applies—*
>
> > *(a) to any person who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj,*
> >
> > *(b) to any person who is a Buddhist, Jaina or Sikh by religion, and*
> >
> > *(c) to any other person domiciled in the territories to which this Act extends who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any such person would not have been*

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governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed.

Explanation.—The following persons are Hindus, Buddhists, Jainas or Sikhs by religion, as the case may be—

(a) any child, legitimate or illegitimate, both of whose parents are Hindus, Buddhists, Jainas or Sikhs by religion;

(b) any child, legitimate or illegitimate, one of whose parents is a Hindu, Buddhist, Jaina or Sikh by religion and who is brought up as a member of tribe, community, group or family to which such parent belongs or belonged; and

(c) any person who is a convert or re-convert to the Hindu, Buddhist, Jaina or Sikh religion.

(2) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the members of any Scheduled Tribes within the meaning of clause (25) of Article 366 of the Constitution unless the Central Government, by notification in the Official Gazette, otherwise directs.

(3) The expression 'Hindu' in any portion of this Act shall be construed as if it included a person who, though not a Hindu by religion, is, nevertheless, a person to whom this Act applies by virtue of the provisions contained in this section.""

26. Section 2 of the HMA postulates that at least one of the parents must be a Hindu. There is no document on record to show that even one of the parents of the Appellant is a Hindu.

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27. Section 5 of the HMA, which lays down the conditions of a Hindu marriage, reads as under:

> "*5. Conditions for a Hindu marriage.—A marriage may be solemnised 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 2[* * *];]*
>
> *iii) the bridegroom has completed the age of 3[twenty-one years] and the bride the age of 4[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;*
>
> *(vi) 5[* * *]"*

28. Though Section 5 of the HMA uses the word 'may', the Apex Court in Gullipilli Sowria Raj v. Bandaru Pavani, **(2009) 1 SCC 714**, has held that the word 'may' is not directory but necessary by holding as under:

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> "***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."*

29. The said Judgment reiterates the legal position concerning the solemnization of a marriage under the Hindu Marriage Act between persons to whom the Act does not apply. In the present case, the learned Family Court has applied the said principle to the facts emerging from the admitted documentary record and the pleadings of the parties. The Appellant has not demonstrated that the learned Family Court's conclusion suffers from any legal infirmity that would warrant appellate interference.

30. The Court is conscious of the fact that the Appellant has sought to explain the documentary entries by asserting that they were erroneous and that she was always known as Komal Gupta in her family. However, a mere

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assertion, unsupported by reliable material establishing the claimed parentage, cannot be sufficient to displace the documentary record which the Appellant herself has admitted. The subsequent steps taken by the Appellant to seek correction of her official records, including the institution of Civil Suit No. 308/2026, Komal Gupta v. Union of India & Ors., do not alter the position that, as on the date of the marriage, the identity documents and other records relied upon by the Respondent continued to reflect the particulars admitted by the Appellant.

31. The contention of the Appellant founded on the principles of equity, waiver and acquiescence is devoid of merit. The mere fact that the Respondent continued to reside with the Appellant for a brief period after allegedly discovering the circumstances in question, or participated in a subsequent reconciliation meeting, cannot, by itself, be construed as an unequivocal waiver of his right to seek appropriate relief in accordance with law. Such conduct, particularly when viewed in the context of the Respondent's pleaded attempt to persuade the Appellant and resolve the matrimonial dispute, does not necessarily amount to acceptance or condonation of the alleged misrepresentation. In any event, equitable considerations cannot operate to validate a marriage which is otherwise found to be contrary to the mandatory statutory requirements of the Hindu Marriage Act, nor can the doctrines of estoppel or acquiescence be invoked to defeat a statutory consequence. The plea of the Appellant, therefore, cannot be accepted merely on the basis of the Respondent's subsequent conduct.

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32. In view of the aforesaid, this Court is of the opinion that the impugned order is founded upon the admitted documentary record and the absence of reliable material substantiating the Appellant's asserted identity and parentage. The Appellant has failed to demonstrate any error warranting interference with the exercise of discretion by the learned Family Court.

33. Consequently, the present Appeal is dismissed. The Impugned Order dated 16.09.2026 passed by the learned Principal Judge, Family Court, East District, Karkardooma Courts, Delhi in CS No. 18/2026, along with the consequential decree, is upheld.

34. Pending application(s), if any, also stand disposed of.

SUBRAMONIUM PRASAD, J

RENU BHATNAGAR, J

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