

**IN THE COURT OF JUDGE, FAMILY COURT, PRAKASAM AT
ONGOLE**

Present:: **Smt G.Deena,**
Judge, Family Court, Ongole.

Monday, this the 27rd day of October, 2025.

F.C.O.P.121/2024

Between:

Sandeep Bhavan Pamarathi, s/o Pamarathi Veerabhadra Rao,
Hindu, aged about 41 years, High Court Advoccate,
r/o Door No.11-968, Aravinda Nagar, Anantapur, Andhra Pradesh,
Temporarily the petitioner stayed in A1 Boys Hostel situated at
Anjaiah Road, Ongole Prakasam District.

... Petitioner

And

Anuradha Kovi (Alias Anu Kovi), @ Pramirati Anuradha,
w/o Sandeep Bhavan Pamarati, d/o Apparao Kovi, Hindu,
aged about 43 years, dubbing and voice over artist
r/o Door No.34-064-178, Balaji Revenue Colony Road,
Sujatha Nagar, Ongole, Prakasam District.

... Respondent

This petition is coming on 09-10-2025 for orders before me in the presence of Sri P. Venkateswarlu, Advocate for petitioner, and respondent set exparte, upon perusal of material on record and having stood over for consideration till this day, this court delivered the following:-

O R D E R

01. The petitioner/husband filed this petition under section 11 and section 5(i) r/w sec.17 and 21 B of Hindu Marriage Act for dissolution of marriage between the petitioner and respondent on the ground of void and abnatio and for costs.

02. The averments of the petition in brief are as follows :

The marriage between the petitioner and respondent performed on 06.05.2009 at Samoohika Vivaha Vedika situated at Tirumala Tirupathi Devasthanam, Purohita Sangam, Tirumala, Chittor District, asper the Hindu rites and customs, their marriage is performed without the consent of parties of complainant, they are not present during the wedding. After

their marriage they registered their marriage. They set up their family at Kharadi. They relocated to Krishna Nagar , Hyderabad and lived there until May, 2013. There is no other matrimonial home for the respondent. From 12.6.2013 the petitioner did not cohabit with the respondent at Hyderabad nor any other places since the petitioner relocated at Bangalore, Karnataka for petitioner job purpose. The respondent has created her name as "Anu" and began the work as a voice and dubbing artist at various, dubbing studios at Krishna Nagar, Hyderabad and got very busy so much so that the respondent has no time for the petitioner. The respondent and her father together have looted lakhs of money from petitioner including in the name of monthly house hold articles, expenses, due to that reason the petitioner was put under tremendous mental torture to fulfil all their financial needs and illegal demands. The respondent and her family members intimidated the petitioner on several occasions by way of threats to petitioner and parents of petitioner, and threats to petitioner and his parents to destroy their reputations, due to that reason the petitioner had to make money payment to respondent and her father into their bank account on multiple times, which otherwise the petitioner would never do. The respondent and her family members have threatened the petitioner with dire consequences to the petitioner and his parents, the respondent had put the petitioner and his parents under fear to cause injuries to their by causing defamation via false criminal cases and civil cases, the respondent and her family members has threatened the petitioner at Hyderabad home that they will off the parents of petitioner first and then come to kill the petitioner, since the petitioner did not accept their demands. The petitioner went to Bangalore for doing the job stayed there later on the year 2017 the respondent deserted left away from marital home with the support her family member without any information to the petitioner and without any reasons. The petitioner came back to Hyderabad and know that the respondent left away from his house. Several times the petitioner went to the house of respondent tried to convince the respondent but in vain. Hence he filed this petition.

03. The respondent was set exparte on 27-02-2025.

04. During the course of enquiry on behalf of petitioner PW.1 was examined and got marked Ex.P1 to P5 on behalf of the petitioner.

05. Heard arguments on behalf of the petitioner.

06. Now the point for consideration is :

Whether the petitioner is entitled for decree of divorce on the ground of void and abnitio as prayed for ?

07. **POINT :**

The petitioner/husband filed the present petition seeking divorce by declaring their marriage as null and void since the respondent did not obtain divorce from her 1st respondent.

08. Section 11 and section 5(i) of Hindu Marriage Act declares a marriage null and void if it violates conditions of section 5 of Hindu Marriage Act. Here the contention of petitioner is, respondent is already married, the said marriage is not informed to him, now he came to know that she did not even obtain divorce from her 1st husband. Ex.P2 certified copy of Form-B extract issued by the Registrar of Marriage, Ongole showing the registration of his marriage with respondent and other particulars, shows non intimation of prior marriage, so also divorce by the respondent. Since the respondent was also married, his spouse is living at the time of the 2nd marriage, decree of divorce is not obtained by dissolving the 1st marriage, respondent 2nd marriage with him is void ab initio.

09. As per the record respondent remained exparte. Even though the respondent remained exparte, the initial burden of proof would be on the petitioner to prove that the said 1st marriage of petitioner was in existence by the date of marriage, respondent did not obtain any divorce from her

husband hence the marriage between him and respondent is null and void.

10. To prove the said contention petitioner produced the evidence of PW.1, documents Ex.P1 to P4. Ex.P1 is the positive photographs showing the marriage of respondent with the petitioner. Ex.P2 is the certified copy of form-B extract issued by the Registrar of marriage, Ongole. It is true no where 1st marriage of respondent is referred so also the divorce. Here the contention of petitioner is if really divorce was obtained, respondent would have referred the same in Ex.p2. The recitals of Ex.p2 shows there is no reference about the 2nd marriage also. If she referred the 2nd marriage and did not give any information regarding the divorce it would have given an adverse inference regarding the said aspect. Since she did not refer about the 1st marriage, non reference of divorce would not give any inference that she did not obtain any divorce from her 1st husband. Ex.P1 alone does not prove the said contention of the petitioner.

11. Another contention of petitioner is, Ex.P3 is the certified copy of deposition of the respondent in CC.220/2018 before the III-Additional Judicial Magistrate of I-Class, Ongole under section 498-A IPC case. The recitals of the deposition shows that she did not obtain divorce from her 1st husband. Perused the deposition of PW.1/respondent herein in CC.220/2018. No such reference about the 1st marriage or divorce in the examination in chief. In the cross examination she deposed " she did not mention in her marriage registration certificate that she was initially married before marrying the A1/petitioner herein. She did not remember whether at the time of filing of registration certificate whether she mentioned about her 1st marriage. She took divorce from her 1st husband in the year 2007 and divorce was granted in Ongole court ".

12. There is no such admission or a statement which gives inference that respondent did not obtain divorce from her 1st husband. Instead she give statement that she obtained divorce from her 1st husband.

13. Perused Ex.P4 the certified copy of Judgment in CC.220/2018. No where any conclusion is given by the court that respondent herein/complainant therein did not obtain divorce from her 1st husband. But petitioner/A1 with other accused are acquitted.

14. Perused Ex.P5 deposition of respondent here in PW.1 in DVC.142017. Regarding Ex.P5 the contention of petitioner is, respondent specifically admitted about her 1st marriage. It is true that respondent admitted about her 1st marriage in Ex.P4 deposition, it does not give conclusion that she did not obtain divorce from her 1st husband. Mere non mentioning about the 1st marriage of respondent in Ex.P4 Form-B extract alone does not conclude that she did not inform about her 1st marriage to the petitioner.

“ In her examination in chief in Ex.P5 she specifically mentioned she disclosed about her prior marriage and divorce to the respondent. In her cross examination in Ex.P5 respondent deposed her marriage was performed in the year 2009 with the 1st respondent/petitioner herein, it is her 2nd marriage. She further adds that she disclosed about her 1st marriage and divorce in the year 2008 to the petitioner herein. In the year 2007 she got divorce from her 1st marriage. She further deposed in Ex,P5 it is true that she did not file any divorce decree with her 1st husband by name Ravi before this court. She further deposed at the time of her 1st marriage was performed in the year 2006 with one person by name Ravi Kiran. She do not remember the sur name of Ravi Kiran. She do not remember who applied for mutual divorce and same was granted by the Ongole court. She further adds that at the time her father looked after that. She do not remember whether she filed divorce documents before this court. She further deposed she cannot submit her 1st divorce decree. Her marriage with petitioner herein is registered. She admitted that the registered document shown by the petitioner herein i.e., Ex.P2 in 12 column date of decree of 1st divorce not entered. She do not remember whether she read over the contents marriage registration form, but she

only signed in the document. She further deposed she do not file any document marriage wedding card and marriage photo in this case ”.

15. A careful perusal of above documentary proof no where respondent admitted that she did not obtain divorce from her 1st husband, instead she specifically pleaded in her depositions that she obtained divorce from her 1st husband. Mere non mentioning about the marriage, so also divorce in Ex.P2 Form-B does not conclude that she did not obtain any divorce.

16. In support of his contention the learned counsel for petitioner relied on a decision reported in **Family Court Appeal No.19 of 2025**. wherein their lordship held,

66. “ The only finding given by the Trial court is that the appellant is estopped from seeking the annulment of marriage on the ground of being the respondent’s surviving wife since the appellant had knowledge of the same. The Trial court, however, does not allude to any material fact or evidence in support of the finding of constructive knowledge on the part of the appellant. Moreover, both the decisions referred to by the Trial Court for denying alimony to the appellant namely Mangala BhivajiLad Vs. Dhondiba Rambhau Aher and Smt Yamunabai Anantrao Adhav Vs Ranantrao Shivaram Adhav decided by the Supreme Court on 27.01.1988(citation not given in the impugned order). Smt Yamunabai Anantrao Adhav (supra) was referred to by the Supreme Court in Sukhdev Singh (supra) where the Supreme Court held that even a spouse whose marriage has been declared void under section 11 of the 1955 Act is entitled to seek permanent alimony or maintenance from the other spouse under section 25 of the said Act. There is no discussion as to the relevance of these Judgments in denying the appellant’s prayer for annulment of marriage.

67. There is a patent contradiction in the findings and reasons given by the Family Court. While the Court denied alimony to the appellant on the basis of the appellant being the second wife, the Court refused to come to any finding with regard to the status of the marriage

between the respondent and his 1st wife. A finding on this was necessary in the context of the appellant's petition seeking annulment of marriage under section 11 of the Act i.e., on the ground was necessary in the context of the appellant's petition seeking annulment of marriage under section 11 of the Act i.e., on the ground that the respondent had a surviving spouse on the date of his marriage with the appellant. To put it simply, the Trial Court failed to consider that the marriage between the appellant and the respondent, both Hindus, could not have been legally solemnized if the respondent had a spouse living at the time of the marriage."

17. As the facts and circumstances of the present case are completely different with that of the above Judgment, said findings are not applicable and they are not helpful to the petitioner.

18. In view of above this court is of the conclusion that petitioner failed to prove that by the date of his marriage with the respondent 1st marriage of respondent with her 1st husband is in subsistence, hence her second marriage with him is null and void. Hence the petitioner is not entitled for any relief, their marriage cannot be declared as null and void. Accordingly the point is answered.

19. In the result, petition is dismissed.

Dictated to the Personal Assistant, transcribed by her, corrected and pronounced by me in the open Court, this the 27th day of October, 2025.

Judge, Family Court
Ongole.

APPENDIX OF EVIDENCE

Witnesses Examined:

For petitioner :

PW.1 : Pamarthi Sandeep Bhavan.

For Respondent : None.

Documents marked:

For Petitioner :

Ex.P1 : Positive photos showing his marriage with respondent and CD.

Ex.P2: Certified copy of Form-B extract issued by Registrar of marriage, Ongole.

Ex.P3 : Certified copies of deposition of respondent i.e., in CC.220/2018 before III-Addl. JMFC, Ongole.

Ex.P4 : Certified copy of order passed in CC.220/2018 before III-Addl. JMFC, Ongole.

Ex.P5 : Deposition of respondent who is PW.1/petitioner in DVC.14/2017 wherein she admitted about her 1st marriage.

For Respondent : NIL.

J-F.C.,Ongole.

APFC090007952024



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Judge, Family Court, Ongole.

Monday, this the 27rd day of October, 2025.

F.C.O.P.121/2024

Between:

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Temporarily the petitioner stayed in A1 Boys Hostel situated at
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And

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aged about 43 years, dubbing and voice over artist
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Respondent

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The petitioner/husband filed this petition under section 11 and section 5 (i) r/w sec.17 and 21 B of Hindu Marriage Act for dissolution of marriage between the petitioner and respondent on the ground of void and abnatio and for costs.

A fixed court fee of Rs.10/- is paid under schedule II Article 1(vii) of APCF & SV Act.

This petition is coming on 09-10-2025 for orders before me in the presence of Sri P. Venkateswarlu, Advocate for petitioner, and respondent set exparte, upon perusal of material on record and having stood over for consideration till this day, this court **doth order and decree :**

1) that the petition be and the same is hereby dismissed ; and

2) that there be no order as to costs.

Given under my hand and the seal of the Court, this the 27th day of October, 2025.

Judge, Family Court-cum-
VIII-Additional District Judge,
Ongole.

Table of Costs

- No C.M. & F.C. filed on either side -

J-F.C.,Ongole.