

Facts and Background:

The appeal was filed in the High Court of Telangana against the Family Court of Secunderabad's order dated 06.02.2013. In this case, the Petitioner claimed to be the lawfully married wife of the deceased husband, A. Ram Das, a railway employee. As a result, the Petitioner requested that she and her children from a previous marriage be classified as legal heirs of the deceased and that the Railway Department release the pensionary and other benefits that are only available to them.

Arguments

- **Petitioner**

The Petitioner's learned counsel stated that the Petitioner married A. Ram Das on March 8, 1976, and that their marriage was registered in the Register of Marriages. In addition, her name was included in the Railway Department's records. Furthermore, she and her son were the ones who administered his last rites. Their marriage had taken place according to Hindu rituals and had been properly registered, according to the evidence. Although the marriage certificate was made, no witnesses were called. The learned counsel for the Petitioner also pointed out that the family court had overlooked the fact that the Petitioner and her children were living in the railway quarters that was provided to the deceased.

- **Respondent**

To establish her point, the Respondent had questioned herself and called three other witnesses into the courtroom. There was also a wedding invitation card, a marriage certificate, and photos taken during the wedding. Her marriage to the deceased, A. Ram Das, took place on May 25, 1972, at Yadagirigutta, in the presence of relatives, she had said. All of the witnesses had stated that they were present at the wedding.

Court's Observation

The Telangana High Court noted that the Respondent's marriage occurred much earlier in 1972 than the Petitioner's marriage in 1976. Also, since there is no proof of divorce in the first marriage, the Hindu Law considers the first marriage with the Respondent to be legitimate. The legal owner of the deceased person's property was deemed to be the son born out of the second marriage. To back up its assertion, the court cited the following cases in which it was held that even if a government employee married a second time when his first marriage was still going strong, the children born from that second marriage would still be valid, even if the second marriage was invalid: *Rameshwari Devi v. the State of Bihar* (2000) 2 SCC 431, *Vidhyadhari and others v. Sukhrana Bai and others* (2008) 2 SCC 238, *Jinia Keotin v. Kumar Sitaram Manjhi* (2003) 1 SCC 730 and *Neelamma v. Sarojamma* (2006) 9 SCC 612.

Held:

The Telangana High Court's Chief Justice stated that the impugned Order contained no patent error, illegality, or perversity that warranted intervention. As a result, the appeal was rejected on the above grounds.