

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.

Petitioner nos. 2 and 3 were declared legal heirs of late A. Ram Das by the family court. Respondent no.3 was also considered the legitimate heir of the deceased, based on the educational records filed by the respondents, who were born through the marriage of late A. Ram Das and respondent no.1. Nonetheless, respondent no. 2 was not included in the group of "persons entitled to retrial benefits" by the court. The respondents have brought this appeal to light as a result of this.

Observations of the court:

The respondents had certainly failed to rebut the presumption that petitioner no. 1 is the lawful wife of late A. Ram Das and petitioners no. 2 and 3 were born from the same wedlock, according to the court in the first instance. The respondents did not even produce the concerned officer from the Registrar of Marriages in support of their document, a marriage certificate, the court observed. It went on to say that the respondents' testimony in court shows that the deceased's marriage to respondent no.2 occurred on March 8, 1976. Thus, since the marriage between the petitioner no.1 and the deceased occurred on May 25, 1972, and none of the records indicate that the parties received a divorce in any way, it is crystal clear for the laity to recognize that the marriage consummated between the respondent no.2 and the deceased was bigamous, and thus null and void.

“Since the respondent no.2's marriage to late A. Ram Das was not a legitimate marriage, she cannot stake a claim on the pensionary benefits accrued in favor of late A. Ram Das,” the court said. The court held, after meticulously interpreting SECTION 16 of the Hindu Marriage Act, 1955, that the son born out of the wedlock of respondent no.2 and the deceased would be entitled to pensionary benefits, even though he was born out of a void marriage since the section itself states that even if the marriage consummated between the husband and wife is void, the child born from an illegitimate or void marriage is legitimate and is entitled to a share of his father's estate from that point forward. The court recalled the Supreme Court's decision in Ramashewari Devi v/s State of Bihar, which held that even if a government servant marries another woman and has children without dissolving his first marriage by divorce, the children are still valid, even if the marriage is invalid.

Held:

The court ordered that the petitioners and respondent no. 3 receive their pensionary benefits.