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Misrepresentation of Age in Matrimonial Alliances: Legal Remedies and Procedural Rigor in Family Court Appeals

The institution of marriage in Indian society rests upon foundational principles of trust, transparency, and mutual consent. When these pillars are compromised through misrepresentation or fraud, the aggrieved party seeks recourse under the Hindu Marriage Act, 1955. The judgment rendered by the High Court for the State of Telangana at Hyderabad in F.C.A. No. 226 […]

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The institution of marriage in Indian society rests upon foundational principles of trust, transparency, and mutual consent. When these pillars are compromised through misrepresentation or fraud, the aggrieved party seeks recourse under the Hindu Marriage Act, 1955. The judgment rendered by the High Court for the State of Telangana at Hyderabad in F.C.A. No. 226 of 2024, presided over by Hon'ble Sri Justice K. Lakshman and Hon'ble Justice B.R. Madhusudhan Rao on 4th May, 2026, presents a compelling examination of fraud in matrimonial consent, the procedural requirements for ancillary reliefs, and the judicial approach when both parties express an unequivocal unwillingness to continue the marital bond. This article endeavours to provide a comprehensive analysis of the factual matrix, rival contentions, legal provisions, and the ultimate disposition of the court.

The appellant before the High Court was the wife, a Manager employed with Punjab National Bank, while the respondent was the husband, serving as an Accounts Officer in a government undertaking. Their marriage was solemnised on 24th August 2018 in accordance with Hindu rites and customs. The union was arranged through the online matrimonial portal telugumatrimony.com, a medium increasingly prevalent in contemporary Indian society. The families of the parties were not previously acquainted, and the matrimonial alliance was forged entirely through digital intermediation. The appellant, then aged thirty-six years, was desirous of a compatible match and placed significant reliance upon horoscope compatibility, a consideration deeply rooted in her orthodox familial upbringing. The respondent represented his date of birth as 9th February 1981, leading the appellant to believe that both parties belonged to the same age cohort and shared similar professional trajectories as government servants. Acting upon this representation, the appellant's family obtained a horoscope based on the furnished date of birth, and the marriage was subsequently solemnised.

The post-marital trajectory of the relationship proved deeply discordant. The appellant alleged that immediately following the engagement, the respondent and his parents exerted undue pressure for an expedited marriage. Upon solemnisation, the appellant relocated to Vijayawada to reside with the respondent. However, the marital home became a site of alleged harassment, with the respondent, his mother, and his sister subjecting her to sustained humiliation through sarcastic remarks and other forms of mental cruelty. The critical turning point occurred in November 2018, when the parties applied for registration of their marriage before the Sub-Registrar at Rajendranagar, Hyderabad. It was at this juncture that the appellant discovered the respondent's actual date of birth to be 9th February 1974, revealing that he was nine years her senior, contrary to his prior representation. The appellant contended that this misrepresentation constituted fraud of a material nature, vitiating her consent to the marriage and warranting a decree of nullity.

Consequent to these revelations, the appellant initiated multiple legal proceedings. She lodged a criminal complaint at Rajendranagar Police Station, resulting in the registration of Crime No. 894 of 2019, which culminated in a charge-sheet and the filing of C.C. No. 1713 of 2019 before the XIV Additional Metropolitan Magistrate, Rangareddy District. Simultaneously, she filed D.V.C. No. 41 of 2019 under Section 12 of the Protection of Women from Domestic Violence Act, 2005, seeking protection and reliefs against domestic abuse. The principal matrimonial petition, however, was F.C.O.P. No. 908 of 2019, filed before the learned Judge, Family Court, Rangareddy District at L.B. Nagar, under Section 12(1)(c) of the Hindu Marriage Act, 1955 read with Section 7 of the Family Courts Act, 1984. The appellant sought a decree of nullity, praying that the marriage be declared null and void on the ground that her consent was obtained through fraud and cheating as to a material fact concerning the respondent.

Before the Family Court, the appellant examined herself as PW.1 and relied upon documentary evidence comprising Exs. P.1 to P.8. The respondent, in defence, examined himself as RW.1 and a panchayat elder as RW.2, placing reliance upon Exs. R.1 to R.4. After due consideration of the entire corpus of oral and documentary evidence, the learned Family Court dismissed the appellant's petition by order dated 3rd May 2024. Aggrieved by this adverse disposition, the appellant preferred the present Family Court Appeal before the High Court.

The rival contentions before the High Court mirrored the positions adopted at the trial stage. The appellant reiterated that the respondent's deliberate misrepresentation of his age constituted fraud as to a material fact, thereby vitiating her consent within the contemplation of Section 12(1)(c) of the Hindu Marriage Act, 1955. She emphasised that her reliance upon horoscope compatibility was not merely a personal preference but a deeply held cultural and familial conviction, rendering the misrepresentation particularly egregious. The respondent, conversely, denied the allegations of fraud and filed a comprehensive counter. However, a significant development transpired during the pendency of the appeal. Both parties, through their respective learned counsel, unequivocally submitted that they were no longer interested in continuing the marital relationship. This mutual disavowal of the marriage was formalised through affidavits filed on 1st May 2026, bearing USR Nos. 56984 and 53860 of 2026

respectively.

The appellant's affidavit further indicated her willingness to withdraw the pending criminal and domestic violence proceedings, subject to the receipt of a fair and reasonable full and final settlement amount and the return of her gold ornaments. The respondent, in his affidavit, offered qualified consent to the appeal, conditional upon the appellant withdrawing C.C. No. 724 of 2021 and D.V.C. No. 41 of 2019. He disputed the appellant's claim regarding her gold ornaments, asserting that she was in possession of seven tulas of gold belonging to him, which he was prepared to forgo. These developments introduced complex factual disputes regarding settlement amounts and the return of stridhana, which had neither been pleaded nor proved before the Family Court.

The High Court's analysis commenced with an examination of Section 12(1)(c) of the Hindu Marriage Act, 1955, which renders a marriage voidable if the petitioner's consent was obtained by fraud as to the nature of the ceremony or as to any material fact or circumstance concerning the respondent. The court observed that the appellant's case did not involve minority or guardianship, as both parties were adults at the time of marriage. The singular contention pertained to the misrepresentation of age, which the appellant characterised as fraud inducing her consent. However, the court's ultimate disposition was significantly influenced by the mutual unwillingness of the parties to continue the marital relationship, coupled with the procedural constraints governing ancillary reliefs.

A critical aspect of the court's analysis concerned the appellant's claim for permanent alimony and return of gold ornaments. The appellant contended that no separate application was necessary under Section 25 of the Hindu Marriage Act for the grant of permanent alimony. The High Court emphatically rejected this contention, holding that a plain reading of Section 25 mandates a specific application for seeking permanent alimony. In support of this interpretation, the court relied upon the decision of a Division Bench of the Madhya Pradesh High Court in Kuldeep Rai v. Smt. Rita (2024 Supreme (MP) 201), which authoritatively laid down that a separate application under Section 25 is an indispensable prerequisite. Consequently, the court held that in the absence of such an application, it was precluded from awarding permanent alimony to the appellant. The court further noted that the disputes regarding gold ornaments and settlement amounts constituted questions of fact that could not be adjudicated in the appellate jurisdiction, particularly as they had not been raised or proved before the Family Court.

In its final disposition, the High Court allowed the Family Court Appeal, setting aside the impugned order dated 3rd May 2024. F.C.O.P. No. 908 of 2019 was allowed, and the marriage solemnised on 24th August 2018 was dissolved by the grant of a decree of divorce. Significantly, the court did not declare the marriage null and void as originally prayed, but instead granted divorce. The court granted liberty to the appellant to pursue her remedies regarding the return of gold ornaments and permanent alimony before appropriate forums, including the pending D.V.C. No. 41 of 2019. Miscellaneous applications pending in the appeal were ordered to stand disposed of.

This judgment enforced the delicate balance courts must strike between substantive justice and procedural rigour in matrimonial litigation. While the court acknowledged the appellant's grievances regarding misrepresentation, it ultimately prioritised the irretrievable breakdown of the marital relationship as the determinative factor. The decision reinforces the principle that ancillary reliefs under the Hindu Marriage Act, 1955, particularly permanent alimony, are governed by strict procedural requirements that litigants must diligently comply with. Furthermore, the judgment illustrates the judiciary's evolving approach to matrimonial disputes, wherein mutual consent and the practical reality of irreconcilable differences inform the grant of relief, even when the original pleadings are founded upon distinct legal grounds.

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