



Case summary: Dolly Rani V. Manish Kumar Chanchal 2024 SCC online SC 754

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Abstract

This case study is of Dolly Rani and Manish Kumar Chanchal both are flying commercial pilots initially the couple was not regarded as legally married as their marriage was null and void under the Hindu Marriage Act, 1955. The couple had a registered marriage with a certificate issued by Vadik Jan Kalyan Samiti, but did not perform the basic ceremonies stated in section 7 of the Act. Therefore, the court annulled the marriage, the certificate, and all the processes that were associated with it from the very beginning. The judgment can be seen as pointing towards the sociological importance of marriage to Indian society where even in matrimony, there is much more than a mere contract. The author's view is in solidarity with the court whereby they emphasize the importance of sticking to the culture in as concerning Hindu marriages.

Keywords: Hindu marriage act, 1955, Dolly Rani, Manish Kumar Chanchal, society and culture

Introduction

The Hindu Marriage Act, 1955 is a historic law passed in India that deals with the marriage of Hindus. Passed as a law to amend and update the Hindu marriage laws, it lists down the essentials of a Hindu marriage, the rituals that must be followed for the marriage to be valid, and the rules governing divorce, maintenance and other matters. The Act provides that Hindu marriage must be performed according to the rites and ceremonies, which in most of the cases includes Kanyaadaan or giving away of the bride and Saptapadi or seven steps that a couple takes together. Section 7 of the Act clearly spells out these ceremonies so much so that a Hindu marriage can only be deemed legal if these ceremonies are duly performed. Moreover, section 8 also allows for the registration of Hindu marriages, but registration of marriage entails no legal force if the legal formalities of marriage are not dissolved.

This prospect was richly illustrated in a recent case where Dolly Rani and Manish Kumar Chanchal of commercial pilotage profession were confronted over what was presented as marriage scandal. They had taken wedding photographs by procuring a marriage licence from the Vadik Jan Kalyan Samiti, although this detracted conflicts and allegations of dowry, followed by litigation. With respect to the Hindu Marriage Act the court had to decide the question of the marriage between the couple having been solemnized as per the provisions of Section 7 of the act. However, the couple had got themselves registered under the Uttar Pradesh Marriage Registration Rules, 2017, but it was held that the same was not solemnized as per the customary rites and traditions. Therefore, all cases pertaining to the marriage were withdrawn, including the divorce petition, the maintenance case, and the criminal charges that have been described above, which underlined that Indian culture should be followed to have a valid Hindu marriage.

Citation	2024 SCC online SC 754
Date of judgement	19 th april 2024
Court of jurisdiction	The hon'ble supreme court of india
Appellant	Dolly rani
Advocate appeared for appellant	Dhruv gupta
Respondent	Manish kumar chanchal
Advocate appeared for respondent	Aor rukhsana choudhary
Bench	Hon'ble justice b.v. Nagarathna and hon'ble justice augustine george masih

Brief Facts

Dolly Rani a petitioner and Manish Kumar Chanchal a Respondent. In accordance with the Uttar Pradesh Marriage Registration Rules, 2017, the petitioner and respondent, who are both Commercial pilots, obtained a certificate from Vadik Jan Kalyan Samiti (Regd.) stating that their marriage was formally commenced on July 7, 2021. They had scheduled their wedding on October 25, 2022, but disagreements caused them to split up and the petitioner accused them of receiving dowry. On November 17, 2022, a FIR was filed in accordance with many Indian Penal Code u/s 34, 420, 498A, 506, 509 and the Dowry Prohibition Act u/s 3 and 4. On March 13, 2023, the petitioner filed a transfer petition after the respondent filed for divorce under section 13(1) (ia) of the Hindu Marriage Act.

The respondent's attorney contended that the marital requirements under section 7 of the Hindu Marriage Act were not fulfilled, while the petitioner maintained that there was no lawful marriage. Later, in order to get a ruling that there was no marriage and that the certificate was null and void, the parties jointly filed an application under Article 142 of the Constitution. Citing sections 7 and 8 of the Hindu Marriage Act, the Special Marriage Act, and State Registration Regulations, the petitioner also attempted to have criminal case FIR 463/2022 and matrimonial case no. 326/2023 dismissed. They contended that registration in and of itself does not establish a legally binding Hindu marriage or bestow marital status.

Sections mentioned & invoked

Indian penal code, 1860

1. **Section 34:** Acts done by several persons in furtherance of common intention.
2. **Section 420:** Cheating and dishonestly inducing delivery of property.
3. **Section 498A:** Husband or relative of husband of a woman subjecting her to cruelty.
4. **Section 506:** Punishment for criminal intimidation
5. **Section 509:** Word, gesture, or act intended to insult the modesty of a woman.

The Dowry Prohibition Act, 1961

1. **Section 3:** Penalty for giving or taking dowry.
2. **Section 4:** Penalty for demanding dowry.

The Hindu Marriage Act, 1955

1. **Section 7:** Ceremonies for a Hindu marriage.
2. **Section 8:** Registration of Hindu marriages.
3. **Section (13) (ia):** has, after the solemnization of the marriage, treated the petitioner with cruelty.

The Constitution of India, 1950

1. **Section 142:** Enforcement of decrees and orders of Supreme Court and orders as to discovery, etc

Contentions Risen By the Parties

- The divorce petition Matrimonial Case No.82/2023 filed by the respondent/Manish Chanchal, which is pending before the Family Court at Muzaffarpur, Bihar.
- The Maintenance Case No.326/2023 filed by petitioner/Doly Rani at Ranchi, Jharkhand.
- The criminal case FIR No.463/2022 initiated at PS Sukhdev Nagar, Ranchi by the petitioner/Doly Rani and proceedings thereunder, against the respondent/Manish Chanchal and his parents.

Issue

1. Whether the marriage commenced amounts to valid or void marriage?
2. Is the certificate issued under Uttar Pradesh Registration Rule, 2017, and certificate dated 07.07.2021 issued by the Vadik Jan Kalyan Samiti (Regd.) is valid or not?
3. Are the contentions formulated was it valid in the facet of law?

Arguments by the Parties

Arguments by the Appellants

The appellant argued that the marriage was invalid under the Hindu Marriage Act, 1955 due to non-compliance of Section 7 of the Act. They further argued that this invalidated the respondent divorce petition under Section 13(1) (ia) and sought dismissal of all related cases through a joint application under Article 142 of The Constitution of India, 1950.

Arguments by the Respondents

The respondent argued that despite the marriage lacked traditional marriage ceremonies, its registration under Section 8 of the Act, and with the Registrar of Marriages conferred legitimacy, justifying the filing of divorce petition under Section 13(1) (ia) of the Act.

Judgment

The court decided that the “marriage” between the parties was not a valid Hindu marriage as per the provisions of Section 7 of the Hindu Marriage Act, 1955. Subsequently, the certificate issued by the Vadik Jan Kalyan Samiti (Regd.) and the Uttar Pradesh Registration Rules, 2017 were declared to be void ab initio. The court further declared that the petitioner and the respondent had never acquired the status of husband and wife under the Act. Further, it quashed the divorce petition, maintenance case and criminal case filed by the parties against each other.

Sociological Singificance of Marriage According to the Judgment

The judgment, however, elaborates on some sociological aspects of marriage which underscore its central place in Indian society. It is described as a ‘samskara’ and sacrament indicating its deeply entrenched cultural and spiritual values. This understanding considers it as a foundation that allows for procreation, builds up kinship unity and promotes brotherhood among communities. Hindu wedding rites and ceremonies are vital not only because they are spiritual but also since they assure human dignity, equality, and free consent between both parties to the matrimony. The decision affirms that marriage is no longer a mere societal affair but rather a holy process which should be practiced diligently with devotion leading to lasting relationship. This belief confirms the idea that marriage is connected with maintaining social order and continuity thus surpassing mere legal formalities alone.

Author’s Take

The writers agree with the court's ruling, which carefully considered the merits of the statute in question. It is clear that the people involved did not have a legitimate marriage, making it null and void ab initio. Both commercial pilots failed to carry out their marriage in accordance with legal ceremonies or customs. The court extensively analysed all relevant traditions and rituals, taking into account the case's merits and the arguments offered by the parties concerned. Custom serves as a fundamental source of law for the Hindu Marriage Act, 1955. This perspective is supported by the Historical and Sociological Schools of jurisprudence. The court has considered major customary practices, such as Kanyadaan and Saptapadi, and affirmed that Hindu marriage is not merely a contract as that of marriage regarded under Special Marriage Act but is regarded as a religious sacrament.

Reference

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