

Presented on : 14.05.2015
Registered on: 16.05.2015
Decided on : 03.12.2015
Duration :00-Y. 06-M 20-D.

IN THE COURT OF JUDGE, FAMILY COURT No. 2, PUNE

(Presided over by Mr. P. L. Palsingankar, Judge)

Petition No. 45/2015

Exh. No. 13

A 33 years, Old, Hindu, Male,
F A-11, Salunke, Pune
P. Salunke, Pune

.....Petitioner

V/s.

.....Respondent

Petition u/s.12(1)(c) of The Hindu Marriage Act, 1956

ADV. MAYUR P. SALUNKE FOR PETITIONER HUSBAND

J U D G M E N T

(Delivered on 03/12/2015)

1 This is a petition for nullity filed by petitioner husband under Section 12(1)(c) of the Hindu Marriage Act, 1956.

2 The brief facts are as under :

The petitioner Varun [redacted] married with respondent [redacted] a on 12/12/2014 at Baroda, Gujrat. It is his contention that he had taken paid membership of site jeevansathi.com for the purpose of finding a suitable life partner.

Respondent also had a profile on the same web site jeevansathi.com. It is his contention that he and his family is a strictly vegetarian family and his Gupta community also believes in vegetarian food and they do not eat non vegetarian food. It is his contention that he has specifically mentioned that the food preference of petitioner is vegetarian and would expect this from the partner by posting a profile of jeevansathi.com. It is his contention that the respondent expressed interest through jeevansathi.com in his profile and he has accepted her after going through the entire profile. It is his contention that respondent has described herself as a eggetarian. The profile was created by her father Mr. [REDACTED] It is his contention that after expressing interest and request was made to send a photographs on his e-mail address and profiles were exchanged and it was made clear in the profile that petitioner is a strictly vegetarian and petitioner would expect partner having food choice as a vegetarian. Petitioner contends that marriage was finalized and solemnized between parties. After marriage they attended a office party on December 2014 , where he found respondent consuming non vegetarian food and petitioner was shocked to find that respondent was having food preference of non vegetarian also. It is his contention that there was frequent fight on that issues of their choices about food. The respondent told petitioner that she does not care about what is mentioned in the jeevansathi.com matrimonial profile and she loves eating non vegetarian food and will keep consuming non vegetarian food. As it is necessary to eat the food, to keep population of animals in control. It is his contention that petitioner has reminded her about the disclosure of food preference of profile of jeevansathi.com. It is his



an
pr

contention that he is a member of PALS group , which help to rescue of various animals. It is his case that his parents intervening in matter on 18th December 2014 and spoke to petitioner to convince respondent about the family values. It is his contention that the respondent has a habit of using filthy phrases. It is his contention that during honeymoon tour respondent even consumed beer and gave a rude shock to him on 23rd December 2014 she commented that she is not a puppet or a sex object so he can play whenever he like. Petitioner thus prayed that the respondent has deprived him by making an impression that she is not non vegetarian by making a false description in jeevansathi.com. It is also his contention that respondent has accessed her profile even after marriage and tried to amend it by mentioning that she is non vegetarian and would expect same from such life partner. It is his contention that respondent has left matrimonial home and the marriage has failed. So petitioner has prayed to declare marriage as null and void under Section 12(1)(c) of The Hindu marriage Act .

3 The summons was sent and served on respondent. Respondent has sent one communication to this Court and informed that she need time. That communicate is placed at Exh. 6. Since 6th June 2015 till date she has not appeared before the Court. The life style of parties clearly shows that she does not have dearth of funds to come to Pune and to contest the matter, so her contention that she needs funds not believed . Her letter Exh. 6 cannot be believe and it is more so when she is educated and earning member. Hence, the exparte order was passed the petitioner has lead his evidence.

4 Following points arise for my determination and they are as under :

<u>Point for determination</u>	<u>Findings</u>
1 Does petitioner prove that respondent has obtained consent of marriage by false representation and cheating ?	Yes
2 Whether petitioner is entitled for decree of nullity of marriage ?	Yes
3 What order ?	As per final order



REASONS

As to all points :

- 5 The averment in petition and affidavit of petitioner has gone unchallenged as respondent has not chosen to come before Court since long. The marriage invitation card, marriage photograph are placed on record. The print out from matrimonial site jeevansathi.com is also placed on record which clearly show that respondent through her father [redacted] has recorded food preference of respondent as vegetarian (do not consume drink)
- 6 Indeed merely because of wife is a person having food preference as non vegetarian cannot be a ground for nullity of marriage. However, when it is a case of petitioner that he is a member of Gupta community which is generally vegetarian community and when it is his specific case that he is a member of the group call PALS Group on internet which helps to rescue various animals, the contention of husband need to be considered . His food preference being vegetarian and his expectation about life partner same need to be taken into consideration. Considering this specific background of petitioner and considering his matrimonial profile that he wants similar wife with simillar food preference, the respondent

92

ought not have obtained consent by stating that she is just egg eater. She has not given true information on her matrimonial profile .She did not inform petitioner her food preference before obtaining his consent for marriage. In such situation the consent obtained by respondent by giving preference eggetarian and not non vegetarian amount to fraud upon him . Therefore, the marriage is null and void. In fact it even amounts to cruelty upon petitioner to hear from a wife that she loved non vegetarian food and is a non vegetarian person and human need to eat animals to control population of animals. It is more humiliating when petitioner is committed to save animal by joining a group named PALS Group on internet which work to help rescue animals. Therefore the consent of petitioner is obtained by cheating him, mis representation and hence the marriage itself is void. Hence, petitioner is entitled for relief sought for. It is made clear that this Court has not observed that the respondent has committed any mistake in having food preference as non vegetarian. It is made clear that this Court has made an observation that respondent has obtained consent of petitioner for marriage by giving false information about her non vegetarian food preference, therefore the prayer can be granted. Similarly the respondent cannot harass petitioner by making any communication to him. Therefore the relief made in prayer clause A and B can be allowed. Therefore I answer points accordingly and proceed to pass the following order :

ORDER

- 1 Petition stands allowed.
- 2 The marriage between petitioner [redacted] and respondent I [redacted]

Exh. No. 13

6

PA /2015

solemnized on 12/12/2014 is hereby declared null and void under Section 12(1)(c) of the Hindu Marriage Act for obtaining consent of marriage by fraud.

- 3 The respondent is restrained from commenting or harassing petitioner henceforth.
- 4 Decree be drawn accordingly.

Qa 3/12

Pune.

(Prasad L. Palsingankar)
Judge,

Dated : 03/12/2015.

Family Court No. 2, Pune.

Typed By... *अश्विनी*
Compaired by... *B.E.T. Dhing*



TRUE COPY

29/12/15
Superintendent
Family Court Pune