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MP-6752-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ALOK AWASTHI

ON THE 5th OF DECEMBER, 2025MISC. PETITION No. 6752 of 2025*SMT. MAYA DHAKAD**Versus**SHRI BHARAT DHAKAD*

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Appearance:

Ms. Aarti Rochlani - Advocate for the petitioner.

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ORDER

The petitioner has filed this present petition under Article 227 of the Constitution of India, challenging the order dated 14.10.2025 passed in M.C.A. No.241/2025 by 34th District Judge, Indore, whereby the appellate court allowed the injunction appeal under Order 39 Rule 1 & 2 of CPC, reversing the well reasoned order of the trial Court.

2. FACTS OF THE CASE, IN SHORT, ARE AS UNDER:-

2.1 The petitioner came into acquaintance with the respondent, Shri Bharat Dhakad, through social media in the year 2016. The respondent represented himself as a widower whose wife had expired and that he had one son. Believing his representations and emotional assurances, the petitioner, who herself is a divorcee having one daughter, trusted him in good faith.

2.2 On the said assurance, the respondent solemnized a marriage ceremony with the petitioner on 29.05.2016 at Jamania Khurd Temple,



Indore. The said marriage was performed between two and thereafter, both started residing together as husband and wife.

2.3 Subsequently, the petitioner came to know that all such representations made by the respondent were false and misleading. The respondent had concealed his true marital status and had deceived the petitioner by hiding the fact that he was already married and living with his first wife. The entire conduct of the respondent was fraudulent and intended to exploit the petitioner emotionally, physically, and financially.

2.4 That, after gaining the petitioner's trust, the respondent started harassing, humiliating, and defaming her through verbal abuse, threats, and social media posts, causing her immense mental agony and social stigma.

2.5 When the petitioner initiated lawful proceedings, including a criminal case under Section 376 IPC and other allied provisions, the respondent and his family members, particularly his father Shri Dilip Singh Dhakad, began pressurizing and emotionally blackmailing her to withdraw the cases. To create an illusion of reconciliation and acceptance, the respondent's father, Shri Dilip Singh Dhakad, executed a document titled 'Daan Patra' on a 100 Rupees non-judicial stamp paper, wherein he solemnly declared that he is donating his love, affection, and certain movable property to the petitioner, Smt. Maya Dhakar, and her minor daughter 'Malika', treating Maya as his 'Bahu' (daughter-in-law) and Malika as his 'Poti' (grand daughter). The said Daan Patra was executed and signed in Indore, and its clear intention was to emotionally induce the petitioner to withdraw her 376 IPC case and other criminal proceedings.



2.6 Simultaneously, the respondent's legally wedded wife, Smt. Rekha Dhakad, executed a sworn affidavit ("Shapath Patra") before a Notary Public at Indore on 11.01.2018, wherein she categorically stated that she has no objection if her husband, Shri Bharat Dhakad, continues to live with the petitioner, Smt. Maya Dhakad, as his second wife, and that any child born from their relationship shall be legitimate and entitled to full rights. She further undertook that she would not initiate or support any action against Maya Dhaka.

2.7 It is pertinent to submit that multiple civil and criminal litigations are pending between the parties arising out of the same matrimonial dispute. The petitioner is already receiving interim maintenance in the proceedings instituted under Section 125 Cr.P. C. (now corresponding to Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023). It is further submitted that in the very same maintenance proceedings, the Respondent had moved an application under Section 340 Cr.P.C. alleging perjury against the petitioner, however, the said application was duly considered and dismissed by the learned Family Court, holding that 'no grounds existed for initiating proceedings under Section 340 Cr.P.C. The dismissal of the said application has attained finality. Therefore, in view of the multiplicity of proceedings and continuous abuse of the process of law, the present petition requires kind interference of this Court to secure the ends of justice and to prevent further harassment of the petitioner.

2.8 In retaliation, the respondent filed a civil suit for permanent injunction before the learned 16th Civil Judge, Indore, seeking to restrain the



petitioner from representing herself as his wife. The trial court, after appreciating the facts and evidence, rightly dismissed the injunction application under Order 39 Rules 1 & 2 CPC on 25.10.2024.

2.9 The respondent preferred an appeal before the learned 34th District Judge, Indore, registered as.M.C.A. No. 2413/2024, wherein the appellate court vide impugned order dated 14.10.2025 reversed the well-reasoned order of the trial court and granted injunction in favor of the respondent. Hence, this petition before this Court.

SUBMISSIONS OF PETITIONER'S COUNSEL

3. Learned counsel for the petitioner submits that the appellate court had failed to consider the respondent's fraudulent conduct, as reflected in the Daan Patra and Shapath Patra. She submits that the learned Appellate Court has failed to appreciate the concurrent criminal and civil proceedings pending between the parties, where serious allegations of deceit, blackmail, and fabricated marriage have been levelled against the respondent.

4. Learned counsel for the petitioner further submits that the impugned order is based on misreading of facts and misapplication of law, ignoring that the entire suit of the plaintiff is founded on false, fabricated, and vexatious claims which are already sub-judice before various forums including police and trial courts. Counsel has placed reliance on a judgment passed by the Apex Court in the cases of *Dalpat Kumar vs. Prahlad Singh reported in AIR SC 276 and Wander Ltd. vs. Antox India Pvt. Ltd., 1990 Supp SCC 727*, whereby it is settled that injunction cannot be granted in favor of a party who has not approached the court with clean hands. The



findings of the appellate court are perverse, unsustainable and contrary to the law, hence, the impugned order deserves to be quashed.

APPRECIATION AND CONCLUSION

5. At the outset, it is undisputed on record that the respondent is already a legally wedded husband of Smt. Rekha Dhakad and their marriage subsists in the eyes of law. Under the Hindu Marriage Act, 1955, a second marriage solemnized during the subsistence of the first marriage is *void ab initio* under Section 11 read with Section 5(i). Therefore, even assuming that a ceremony took place on 29.05.2016, such ceremony cannot confer upon the petitioner the legal status of a wife, as long as the respondent's first marriage is subsisting. Consequently, the petitioner has no *prima facie* right to represent herself as the legally wedded wife of the respondent. The documents relied upon by the petitioner, namely the (Daan Patra and Shapath Patra), even if taken at face value, cannot override statutory provisions or validate a void marriage. The appellate court has, therefore, rightly protected the respondent's legal and marital rights by restraining the petitioner from projecting herself as his wife. The principles laid down in *Dalpat Kumar and Wander Ltd. (supra)* do not assist the petitioner. The appellate court has exercised judicial discretion to prevent misrepresentation of marital status, which squarely falls within the scope of temporary injunction jurisdiction. The appellate court considered the relevant material and correctly applied the settled principles governing temporary injunctions. No perversity, jurisdictional error, or illegality is shown.

6. In view of the above discussion, the petitioner has no legal right to



represent herself as the respondent's wife or to use his name as her spouse. The petitioner cannot claim or represent herself as the legally wedded wife of the respondent. The order of the learned District Judge, dated 14.10.2025, granting injunction, is legal, proper and justified.

7. The order of the learned District Judge, dated 14.10.2025, granting injunction, is legal, proper and justified. The order dated 14.10.2025 passed by the learned 34th District Judge, Indore in M.C.A. No. 2413/2024 is hereby affirmed and maintained. Hence, no case for interference is made out. Accordingly, petition stands **dismissed**.

(ALOK AWASTHI)
JUDGE

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