REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

BADSHAH V. URMILA BADSHAH GODSE (2014)

BENCH: Mr. Justice Ranjana Prakash Desai & Mr. Justice A.K. Sikri **DECIDED:** October 18, 2013

RATIO DECIDENDI & PRECEDENTIAL CRUX:
A man who deceives a woman into marriage by concealing his first marriage cannot raise the plea of void marriage to deny maintenance under Section 125.

1. Factual Matrix & Background:

The respondent woman married the appellant after he misrepresented that he was unmarried. After cohabiting as husband and wife, the husband deserted her and opposed maintenance under Section 125 CrPC, arguing that since his first marriage was subsisting, the second marriage was void and she was not a 'wife'.

2. Substantive Legal Questions Framed:

Whether a husband who marries a woman by concealing his subsisting first marriage can take advantage of his own fraud to defeat her maintenance claim under Section 125 CrPC.

3. Analysis & Ratio Decidendi:

The Supreme Court distinguished Savitaben and held that where a man dupes a woman by concealing his first marriage and treats her as his wife, he is estopped from denying maintenance under Section 125 CrPC. Purposive interpretation must be adopted in social justice legislation. A wrongdoer cannot take advantage of his own fraud to push an innocent woman into destitution.

4. Principles Enunciated:

- 1. Purposive interpretation applies to Section 125 CrPC to achieve social justice.
- 2. A husband who fraudulently conceals prior marriage is estopped from pleading invalidity.
- 3. Innocent women deceived into void marriages are protected and entitled to maintenance.

5. Practical Litigation Implications:

- In maintenance petitions for second wives, plead misrepresentation and fraudulent concealment of prior marriage to invoke the Badshah doctrine and secure maintenance.

.....J.
[SUPREME COURT BENCH]

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