

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

FA No. 1532 of 2024

(SMT. ASHU PRAJAPATI Vs AJAY KUMAR PRAJAPATI)

Dated : 11-12-2024

*Shri Prakash Kumar Gupta - Advocate for appellant.*

---

IA No.14597 of 2024

By this application, appellant contends that respondent is going to perform a second marriage. Appellant impugns order dated 28.06.2024 whereby the marriage between appellant and respondent was dissolved by a decree of divorce. Subject appeal was filed in the Registry on 29.07.2024 i.e. within 30 days of the impugned decree.

Reference may be had to the Section 15 of the Hindu Marriage Act, 1955 which reads as under:-

*"Section 15 - Divorced persons. When may marry again.- When a marriage has been dissolved by a decree of divorce and either there is no right of appeal against the decree or, if there is such a right of appeal, the time for appealing has expired without an appeal having been presented, or an appeal has been presented but has been dismissed, it shall be lawful for either party to the marriage to marry again."*

In terms of Section 15 of the Hindu Marriage Act, When a marriage has been dissolved by a decree of divorce and either there is no right of appeal or if there is a right of appeal and time for appealing has expired without an appeal having been presented, or appeal having been presented has been dismissed, it is lawful for either party to marry again.

In the instant case, there is a right of appeal and appeal has been filed within a period of limitation. Consequently, in term of Section 15 of the Hindu Marriage Act, 1955, a second marriage could not be solemnized till

the final disposal of the appeal.

Since an apprehension is expressed by the appellant that respondent is going to perform a second marriage and learned counsel for appellant submits that marriage is scheduled for 13.12.2024, we clarify that till the disposal of appeal, respondent cannot perform a second marriage.

Consequently, respondent is restrained from performing a second marriage till the next date of hearing.

Certified copy today.

List the appeal for directions on 16.01.2025.

**(SANJEEV SACHDEVA)**  
JUDGE

**(DEVNARAYAN MISHRA)**  
JUDGE

vibha