IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 3rd OF NOVEMBER, 2026

MISC. APPEAL No. 1973 of 2026

CNR No.: MPHC010154672026

SMT. GYANWATI AND OTHERS

Versus

ARJUN PATEL AND OTHERS

Appearance:

Shri Durgesh Kumar Singrore - Advocate for appellants.

Ku. K.C.V. Rao - Panel Lawyer for respondent/State.

Shri Shakti Prakas Pandey - Advocate for respondent No. 1.

ORDER

The present miscellaneous appeal has been preferred by the appellants under Order XLIII Rule 1(a) read with Section 104 of the Code of Civil Procedure, 1908, challenging the judgment and decree dated 28.03.2024 passed by the learned Fifth District Judge, Mandla, in Regular Civil Appeal No.8/2023, whereby the judgment and decree dated 23.12.2022 passed by the learned Third Civil Judge, Senior Division, Mandla, in Regular Civil Suit No.800045/2016 has been set aside and the plaint has been directed to be returned under Order VII Rule 10 of CPC for presentation before the Family Court.

2. Learned counsel for the appellants submits that the learned First Appellate Court has committed an error in holding that the Civil Court had

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no jurisdiction to decide the suit. It is argued that the main relief claimed by the appellants relates to declaration of their rights over the property, cancellation of the sale deed dated 25.02.2016 and setting aside of the revenue partition order dated 31.03.1994. The declaration regarding the marital status of appellant No.1 and the legitimacy of appellants No.2 and 3 was only required to establish their right to inherit the property of late Ramratan Chaurasia. It is further submitted that since the dispute also involves a third-party purchaser, the matter could not have been decided by the Family Court. In support of the submission, learned counsel has relied upon the judgment passed by the Supreme Court in ***R. Kasthuri & Others v. M. Kasthuri & Others, Civil Appeal No.432 of 2018, decided on 16.01.2018***. On these grounds, it is prayed that the impugned judgment be set aside and the judgment and decree passed by the Trial Court be restored.

3. Learned counsel for the respondents submits that after amendment of the plaint on 22.11.2018, the appellants specifically sought a declaration that appellant No.1 was the legally married wife of late Ramratan Chaurasia and appellants No.2 and 3 were his legitimate children. Thus, the question of matrimonial status and legitimacy becomes an important part of the dispute, because the remaining dispute depends upon the outcome of this dispute. It is submitted that such disputes fall within the jurisdiction of the Family Court under Section 7 of the Family Courts Act, 1984. Therefore, the Civil Court had no jurisdiction to continue with the proceedings after the amendment of the plaint. In support of the submission, learned counsel has relied upon the judgment passed by the Apex Court in ***K. A. Abdul Jaleel v. T. A. Shahida***

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AIR 2023 SC 2525. The learned First Appellate Court has rightly directed the return of the plaint under Order VII Rule 10 of CPC. Accordingly, dismissal of the appeal is prayed for.

4. Heard the learned counsel for the parties and perused the record.

5. From the record, it is clear that initially the suit was filed seeking declaration of rights over the property and other consequential reliefs. However, on 22.11.2018, the plaintiff Gyanvati amended the plaint and sought a declaration that she was the legally married wife of late Ramratan Chaurasia and Jageshwar and Shashi were his legitimate children. Thus, after the amendment, the question of matrimonial status and legitimacy became an important issue in the suit. Section 7 of the Act, 1984 provides jurisdiction to the Family Court to decide disputes relating to matrimonial status, legitimacy and property disputes of the nature covered under the said provision. Section 7 of the Act, 1984 reads as follows:

"7. Jurisdiction. -

(1) Subject to the other provisions of this Act, a Family Court shall-

(a) have and exercise all the jurisdiction exercisable by any district court or any subordinate civil court under any law for the time being in force in respect of suits and proceedings of the nature referred to in the Explanation; and

(b) be deemed, for the purposes of exercising such jurisdiction under such law, to be a district court or, as the case may be, such

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subordinate civil court for the area to which the jurisdiction of the Family Court extends.

Explanation. -

The suits and proceedings referred to in this sub-section are suits and proceedings of the following nature, namely: -

(a) a suit or proceeding between the parties to a marriage for a decree of nullity of marriage (declaring the marriage to be null and void or, as the case may be, annulling the marriage) or restitution of conjugal rights or judicial separation or dissolution of marriage;

(b) a suit or proceeding for a declaration as to the validity of a marriage or as to the matrimonial status of any person;

(c) a suit or proceeding between the parties to a marriage with respect to the property of the parties or of either of them;

(d) a suit or proceeding for an order or injunction in circumstances arising out of a marital relationship;

(e) a suit or proceeding for a declaration as to the legitimacy of any person;

(f) a suit or proceeding for maintenance;

(g) a suit or proceeding in relation to the guardianship of the person or the custody of, or access to, any minor.

(2) Subject to the other provisions of this Act, a Family Court shall also have and exercise-

(a) the jurisdiction exercisable by a Magistrate of the First Class under Chapter IX (relating to order for maintenance of wife,

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children and parents) of the Code of Criminal Procedure, 1973 (2 of 1974); and

(b) such other jurisdiction as may be conferred on it by any other enactment."

6. Clause (b) of the Explanation to Section 7(1) of the Family Courts Act, 1984 confers jurisdiction upon the Family Court to decide suits or proceedings seeking a declaration regarding the validity of a marriage or the matrimonial status of any person. The provision is wide enough to include a claim seeking a declaration as to whether a person is the legally wedded spouse of another and is not confined only to proceedings between parties seeking matrimonial reliefs. Clause (c), on the other hand, deals with suits or proceedings between parties to a marriage concerning the property of either or both of them. Thus, while clause (b) concerns determination of marital status, clause (c) concerns disputes relating to property between parties to a marriage.

7. By way of amendment dated 22.11.2018, the plaintiff specifically sought a declaration that she was the legally married wife of late Ramratan Chaurasia and that Jageshwar and Shashi were his legitimate children. Such reliefs are directly covered by clauses (b) and (e) of the Explanation to Section 7(1) of the Act. The determination of these questions was an essential part of the amended suit and could not be ignored by the Trial Court while examining its jurisdiction. The nature of the suit has to be determined on the basis of the reliefs claimed in the plaint as amended and not merely on the basis of the reliefs contained in the original plaint.

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8. The Family Court, Mandla, was established by Notification No.K.B./3883 dated 31.07.2014 issued by the High Court of MP, read with Notification No.F.No.1-1/2002/21-B(1) issued by the Government of MP, Law and Legislative Affairs Department. As per the said notification, the territorial jurisdiction of the Family Court, Mandla, extends to the limits of Municipal Corporation Mandla and Tehsil Mandla, including the Cantonment area, if any. Therefore, the dispute in question falls within the territorial jurisdiction of the Family Court, Mandla.

9. The judgment relied upon by the appellants in *R. Kasthuri* does not help their case in the facts and circumstances of the present matter. In the present case, after amendment of the plaint on 22.11.2018, the appellants specifically sought declarations regarding the marital status of appellant No.1 and the legitimacy of appellants No.2 and 3 which has been opposed by the respondents. Therefore, the Trial Court was required to consider the question of jurisdiction before proceeding further with the suit. Instead, the Trial Court proceeded to decide issues No.6 and 7, despite lacking jurisdiction to entertain the dispute in its amended form. The Trial Court ought to have returned the plaint under *Order VII Rule 10 of CPC* for presentation before the Family Court. The learned First Appellate Court has, therefore, rightly held that the matter falls within the jurisdiction of Family Court,Mandla and also rightly set aside the judgment and decree dated 23.12.2022 and directed return of the plaint. This Court finds no illegality or error in the approach adopted by the learned First Appellate Court.

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10. Consequently, the miscellaneous appeal, being devoid of merit, is hereby ***dismissed***. The judgment and decree dated 28.03.2024 passed by the learned Fifth District Judge, Mandla, in Regular Civil Appeal No.8/2023 are hereby affirmed. The direction for return of the plaint under *Order VII Rule 10 of CPC* for presentation before the Family Court, Mandla, shall remain intact.

(B. P. SHARMA)
JUDGE

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