

Court No. - 2

Case :- WRIT - C No. - 5552 of 2024

Petitioner :- Arya Pratinidhi Sabha,Thru.Member Exe.Comm.
Antarang Sadasya Dr.Vinay Pratap Pranacharya And Ors.

Respondent :- State Of U.P. Thru. Inspector
General/Commissioner Stamp And Registration Deptt. Lko.
And Anr.

Counsel for Petitioner :- Brij Bhushan Singh,Bheem
Singh,Pranjal Apurva,Sandeep Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Shri Pranjal Apurva, learned counsel appearing for the petitioners and Shri Brij Bhushan, learned Standing Counsel appearing for the respondents.
2. At the very outset, learned counsel for the petitioners submits that he be permitted to delete the petitioner no.1 from the array of parties.
3. Learned counsel for the respondents has no objection to the aforesaid prayer.
4. Accordingly, the learned counsel for the petitioners is permitted to delete the name of petitioner No.1 from the array of parties during the course of the day.
5. It has been submitted by the learned counsel for the petitioners that petitioner No. 2-Amit Barnval has married petitioner No. 3-Manisha Tiwari on 24.04.2024 while petitioner No. 4-Abhishek Mishra has solemnized marriage with petitioner No. 5-Roshni Jha on 28.02.2024. Pursuant to the marriage, they have moved an application before the Registrar of Marriages to register their marriage but it seems that no order has been passed and accordingly, the present writ petition has been filed seeking a direction to the Registrar of Marriages to register the marriage of petitioner No. 2 and 3 as well as petitioner No. 4 and 5. It has been further submitted that along

with the applications, both the couples have filed evidence with regard to the marriage, which according to them was held in the Arya Samaj Temple in Gorakhpur.

6. Learned Standing Counsel, on the other hand, has submitted that before the Registrar of Marriages, the petitioners will have to demonstrate that the marriage between both the couples has been duly solemnized as per provisions contained in the Hindu Marriage Act and only after such satisfaction of the Registrar, the marriage certificate can be issued. He further submits that the petitioners have only submitted a certificate issued by the Arya Samaj Temple, which has no statutory force and further submits that this aspect of the matter has been duly considered by the Hon'ble Supreme Court in the case of **Smt. Seema vs. Ashwani Kumar; (2006 (2) SCC 578)** and also by a Division Bench of this Court in the case of **Ashish Maurya vs. Anamika Dhiman in First Appeal No. 830 of 2022.**

7. Considering the fact that the prayer made by the petitioners is only for a suitable direction to the Registrar of Marriages to consider and pass necessary order on the application preferred by the petitioner for registration of the marriage, this Court without going into merit of the case or into the evidence with regard to the validity of the marriage of the petitioners and accordingly, it is for the Registrar to satisfy himself with regard to the evidence produced by the parties and in case, he is satisfied that the marriage has been duly solemnized in accordance with law, then, he would be obliged to register their marriage as per the provisions of the Uttar Pradesh Hindu Marriage Registration Rules, 1973. Accordingly, the respondent No. 2-Deputy Registrar-II (Stamp and Registration), Tehsil Sadar, District Gorakhpur, Uttar Pradesh is directed to consider and decide the applications preferred by the petitioners, which are contained in annexure No. 4 and 5 to this petition, in accordance with law, expeditiously say within a period of six weeks from the date the certified copy of this order is produced.

8. With the aforesaid, the writ petition stands **disposed** of.

(Arun Kumar Singh Deshwal,J.) (Alok Mathur, J.)

Order Date :- 25.6.2024/Raj