

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

DATE OF DECISION: JULY 22, 2015

Harmandeep Kaur and another

.....Petitioners

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Naveen Bawa, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of counsel for the petitioner that the petitioners got married on 15.07.2015 at Gurudwara Guru Nanak Dev Ji, Phase VI, S.A.S.Nagar, Mohali as per Sikh rites and rituals but against the wishes of parents of petitioner No.1. He states that there is no legal bar as far as the provisions of Hindu Marriage Act is concerned.

Petitioner No.1 has applied for further studies in Australia and her flight is booked on 28.07.2015. The petitioners wanted to get their marriage registered and, therefore, approached the Registrar-cum-Tehsildar, Marriages, Amritsar-II, District Amritsar-respondent No.2 on 16.07.2015 and moved an application in this regard. However, the said application was returned by observing that without the presence of parents of petitioner No.1, Harmandeep Kaur, the marriage would not be registered.

Counsel for the petitioner has referred to two judgements of this Court reported as Bhupinder Singh and another Vs. State of Punjab, 2015 (1) Law Herald 593 and Mandeep Kaur and another Vs. State of Punjab, 2014 (3) PLR 317 to contend that there is no requirement of the presence of parents at the time of registration of marriage. He, thus, contends that there being no mandate of law, which would have entitled respondent No.2 to refuse to accept the application of the petitioners and insist upon the presence of parents of petitioner No.1, the action of not entertaining the application by him is unsustainable. He further states that the petitioners shall approach the Registrar-cum-Tehsildar, Marriages, Amritsar-II, District Amritsar-respondent No.2 on 24.07.2015 at 10.00 A.M. alongwith the application with required documents, which may be considered, processed and proceeded to by him in accordance with law.

In view of the statement made by the counsel for the petitioners and without going into the merit of the case or commenting thereon, the present writ petition is disposed of with liberty to the petitioners to submit their application to the Registrar-cum-Tehsildar, Marriages, Amritsar-II, District Amritsar-respondent No.2 on 24.07.2015 at 10.00 A.M., who shall, on submission of such application, if found the same to be in order, proceed further in accordance with law. In case of any objection or further documents to be required as per the requirement of law, the same be forthwith intimated to the petitioners so that no delay in the process may occur.

Cop of the order be given *dasti* under the signatures of Special Secretary of this Court.

July 22, 2015
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE