

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

DATE OF DECISION: MAY 01, 2015

Harpreet Litt and another

.....Petitioners

VERSUS

State of Punjab and another

....Respondents

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

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

AUGUSTINE GEORGE MASI, J. (ORAL)

It is the contention of counsel for the petitioner that the marriage between the petitioners was performed on 27.06.2014 as per Sikh rites and rituals at Gurudwara Shaheedgarh at Village Gondwal, Near Raikot, District Ludhiana. Marriage certificate was issued to the petitioners, copy whereof has been appended as Annexure P-3.

Petitioners want to go abroad and, therefore, wanted to get their marriage registered, for which they had approached the Registrar-cum-Tehsildar, Marriages (Central), Ludhiana, District Ludhiana-respondent No.2 but said authority has refused to register the marriage on the pretext that presence of their parents is required. Counsel contends that since the marriage between the petitioners was a love marriage, without the consent of the parents of petitioner No.2, who still have not accepted the marriage, they are not willing to appear before respondent No.2. Counsel contends that the requirement of the presence/consent of the parents for registration of marriage is not mandated either under the statute or the regulations/rules

framed thereunder. Reliance has also been placed on the judgement of this Court in Bhupinder Singh and another Vs. State of Punjab and another, 2015 (1) Law Herald 593, to contend that this Court has clearly held that the Registrar cannot insist upon consent and presence of the parents of the couple at the time of registration of marriage. The Court has gone even to the extent of observing that if such an insistence/consent is forced upon such persons who intend to get their marriage registered, the same would be treated as a disobedience of the orders passed by this Court and the Registrar would be liable for proceedings under the Contempt of Courts Act. He, thus, contends that the petitioners, who have already submitted a representation dated 02.04.2015 (Annexure P-5) to the Registrar-cum-Tehsildar, Marriages (Central), Ludhiana, District Ludhiana-respondent No.2, may be directed to do the needful in accordance with law within some specified time.

In view of the abovesaid facts as narrated by the counsel for the petitioner and without going into the merit of the case or commenting thereon, the present writ petition is disposed of with directions to the Registrar-cum-Tehsildar, Marriages (Central), Ludhiana, District Ludhiana-respondent No.2 to consider and decide the representation dated 02.04.2015 (Annexure P-5) and pass appropriate orders within a period of four weeks from the date of receipt of certified copy of this order.

It goes without saying that in the light of the judgement passed by this Court in Bhupinder Singh's case (supra), in case of violation of said judgement, respondent No.2 would face the consequences.

May 01, 2015
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE