

CRM-M No.21250 of 2016

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.21250 of 2016

Date of Decision: June 16, 2016

Kawaljeet Kaur & another

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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

Present: Mr.Bikramjit Singh Bajwa, Advocate,
for the petitioners.

AMIT RAWAL, J. (Oral)

The petitioners have approached this Court for seeking protection from official respondent Nos.2 and 3 and for issuance of direction to respondent Nos.4 to 7 not to interfere with their liberty and married life.

Mr.Bikramjit Singh Bajwa, learned counsel appearing for the petitioners contends that the date of birth of petitioner No.1, namely, Kawaljeet Kaur is 15.4.1999. She is more than 17 years and 2 months as

per the certificate, Annexure P-1, whereas petitioner No.2-Sanjeev is

aged 24 years and 5 months.

This Court, during the hearing of the petition, raised a query as to whether a minor girl can contract a marriage and seek protection. Learned counsel for the petitioners has relied upon a Division Bench judgment of Delhi High Court rendered in **Sh.Jitender Kumar Sharma Versus State & Another, 2010(4) R.C.R. (Civil) 59** to contend that a similar situation arose in the cited case filed at the instance of one of the party being minor and the Delhi High Court by taking into consideration the provisions of Section 5 (iii) of the Hindu Marriage Act, 1955 and Section 3 of the Prohibition of Child Marriage Act, 2006 held that the marriage at the behest of child can be voidable and that too can be sought at the instance of the girl.

I have heard the learned counsel for the petitioners and gone through the judgment cited supra and of the view that the matter is squarely covered.

Accordingly, I dispose of the present petition with a direction to official respondent Nos.2 and 3 to protect the life and liberty of the petitioners.

Petition stands disposed of.

June 16, 2016
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(AMIT RAWAL)
JUDGE