

\$~44

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2540/2016 & C.M.No.10831/2016

THOMAS BALUTCH AND ANR Petitioners

Through Mr.H.S.Bhullar with Ms.Gargi Bhatt,
Advocates.

versus

STATE AND ANR Respondents

Through Ms.Neha Rastogi with Mr.Animesh
Rastogi, Advocates for R- 1 & 2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

%

22.03.2016

Present writ petition has been filed seeking a direction to the respondents to register the marriage of the petitioners and issue a marriage certificate under Section 15 of the Special Marriage Act, 1954.

Admittedly, the petitioners are not Indian citizens. While petitioner No.1 is a French citizen, petitioner No.2 is a citizen of Afghanistan who is a refugee and has been residing in India for the past six years.

It is stated that on 29th November, 2015, petitioners got married in India in accordance with Muslim rites and rituals. It is averred in the writ petition that the respondent No.2/Sub Divisional Magistrate refused to register the marriage of petitioners on the ground that they are not Indian citizens. Learned counsel for respondent nos. 1 & 2, however, states that no written order has been communicated to the

petitioners.

It has been averred that the petitioners wish to travel to France, but petitioner No.2 can only get a Visa only if she has a Marriage Registration Certificate.

This Court is of the view that since the petitioners' application for registration of marriage has not been specifically refused, the respondent no.2 should pass a reasoned order disposing of the application filed by the petitioners within a period of two weeks. In the event, the petitioners are aggrieved by the order passed by respondent no.2, they shall be at liberty to file a statutory appeal under Section 17 of the Special Marriage Act, 1954.

It is however clarified that this Court has not expressed any opinion on the merit of the controversy. The rights and contentions of all the parties are left open.

With the aforesaid directions and liberty, the present writ petition and the applications are disposed of.

MANMOHAN, J

MARCH 22, 2016

KA