

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-2665-2017(O&M)
Date of decision : 29.03.2017

Navneet Kaur and another

... Petitioners

Versus

The State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Kamal Singh, Advocate
for the petitioners.

Mr.Sidakmeet Singh Sandhu, AAG, Punjab.

Mr.K.S. Kahlon, Advocate
for respondents no.4 & 7.

AMOL RATTAN SINGH, J.(ORAL)

CRM-4115-2017 & CRM-M-2665-2017

By this application, correction/rectification in the order dated 27.01.2017 is sought, to the effect that in the said order it had been observed that neither of the petitioners have been married earlier.

However, learned counsel for the petitioners points to paragraph 18 of the petition, where it is specifically stated that petitioner no.2, i.e. Daljit Singh, was earlier married to respondent no.8, but the marriage was dissolved by way of a customary divorce in a Panchayat on 25.12.2013 in the presence of witnesses.

Upon query as to how a “customary divorce” would be valid after the enactment of the Hindu Marriage Act, 1955, learned counsel for the petitioners points to Section 29(2) of the Act, to submit that a dissolution of marriage recognized by custom would still be valid, and in

the present case, respondent no.8 not having challenged the said dissolution before any Court and in fact herself having re-married, the divorce would be valid.

Learned counsel for respondents no.4 & 7, i.e. the father and maternal uncle of petitioner no.1, submits that they would like to meet the said petitioner.

However, upon query, she has refused to do so.

In view of the fact that the respondents are also not doubting the age of petitioner no.1, i.e. she has attained her majority in December, 2016, with her secondary examination certificate also having been produced in Court today by learned counsel, obviously she cannot be forced to meet her parents against her wishes.

Learned State counsel has also filed an affidavit of the Deputy Superintendent of Police, Sub Division Ajnala, stating therein to the effect that the petitioners have approached the police station Ramdass, Amritsar (Rural), and their statements have been recorded that they are living happily as husband and wife.

In view of the above, the petition is disposed of as having been rendered infructuous but with a direction to respondents no.2 & 3 to continue to ensure that the life and liberty of the petitioners is duly protected, as per law.

(AMOL RATTAN SINGH)
JUDGE

March 29, 2017.

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No