

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

(204)

CWP-12304-2011 (O&M)

Decided on: February 13, 2017.

Josphine

.... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. S.L. Chander Shekhar, Advocate, for the petitioner.

Ms. Anu Pal, AAG, Punjab for respondents No. 1 to 3.

M.M.S. BEDI, J (ORAL)

This writ petition filed in 2011 is lingering on for service of respondent No. 4 who is stated to be residing abroad.

The petitioner, through instant petition, seeks quashing of marriage certificate dated 14.07.2009 issued by respondent No.3, the Registrar Marriages, Jalandhar. It is claimed that the petitioner belongs to Christian community whereas respondent No.4 belongs to Sikh Community. The marriage certificate was issued in violation of Section 6 of the Hindu Marriage (Punjab) Registration Rules, 1960 requiring that before registration of marriages, the applicants are identified to his satisfaction and notice specified in Schedule V is issued to the other parties by registered post.

In the reply filed, respondent No.3 has clarified that since the application for registration of marriage was moved by the groom and bridegroom themselves, he being satisfied regarding the factum of marriage

did not feel it expedients to publish notice regarding the registration of said marriage and registered the marriage as such and issued the certificate.

Learned counsel for the petitioner submits that respondent No.4 had played fraud not only upon the petitioner but also on the statutory authorities as he after having entered U.K has opted to abandon the petitioner. Whereabouts of respondent No.4 are not known to the petitioner.

Without expression of any opinion on merits or maintainability of this petition, I am of the opinion that the petitioner being an aggrieved person against the issuance of marriage certificate dated 14.07.2009, can approach the Registrar of Marriages concerned for cancellation of marriage certificate bringing it to the notice of the said authority that marriage certificate is vitiated on account of the vice of fraud having been played on the petitioner or the Registrar. The petitioner appears to have a right to file an appeal also under Rule 7 of the aforesaid Rules before the Appellate Authority which will be maintainable following the ratio of judgment in **Paramjit Kumar Saroya Vs. Union of India and another AIR 2014 (Punjab) 121** providing that right of an appeal is available to any of the affected parties and in the present case also, there is no negative provision in the aforesaid Rules denying the right of appeal to the petitioner. In case, the petitioner feels aggrieved, she has also got an alternative remedy to get the marriage voided by availing the remedy available to her by approaching the Civil Court. In case, she is not residing in India, she can challenge the marriage certificate by approaching the Court of competent jurisdiction at a place where she is residing.

In view of the above said alternative remedies being available to the petitioner, relegating the petitioner opt to avail any of the remedies, this petition is disposed of.

(M.M.S. BEDI)
JUDGE

February 13, 2017
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No