

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.1179 of 2016

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Rajeev Kumar Son of Baidyanath Sah, resident of Village- Nagarbasti, P.O.-
Begampur, P.S.- Warisnagar, District- Samastipur.

... .. Appellant/s

Versus

Nisha Kumari Daughter of Umesh Sah, resident of Village- Nagarbasti, P.O.-
Begampur, P.S.- Warisnagar, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Amit Kumar Anand, Advocate
For the Respondent	:	Mr. Mr. Raja Ram Mishra, Advocate
For the State	:	Mr. Mrigendra Kumar, AC to GA 4

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 08-01-2018

Heard learned counsel for the appellant, the respondent and
the State.

This appeal is directed against the order dated 30.8.2016
passed by the Principal Judge, Family Court, Samastipur in
Matrimonial Case No. 31 of 2016 holding that, since the appellant
could not file any certificate or evidence regarding marriage with
the girl and the concerned Mukhia – cum – Marriage Registration
Officer had appeared on 11.7.2016 along with vakalatnama and
has stated that certified photocopy copy of the marriage certificate



filed by the appellant has not been issued by him, his case was dismissed.

At the time of hearing, learned counsel for the appellant has submitted that vide order dated 9.5.2016 the Principal Judge, Family Court had called for original records of marriage registration, register and other relevant documents etc. from the concerned marriage registration office but that has not been produced and on the basis of the statement made by the Mukhiya – cum – Marriage Registration Officer only, the appellant's case has been dismissed.

On such submission having been made on behalf of the appellant, this Court vide order dated 27.11.2017 directed for production of original records such as marriage registration register etc. so that it could be ascertained finally whether there has been any entry regarding marriage or not.

The records have been produced and it appears from the marriage register that at Sl. No. 151 there is entry regarding marriage of one Md. Manzoor Alam with Raushan Ara. It completely belies / falsifies the case of the appellant regarding registration of his marriage with the respondent and that apart, the appellant has also not been able to produce any photograph or videography etc. of the concerned marriage though it has also



been stated in his petition that in view of the resistance by the parents of the respondent regarding the marriage, the same was solemnized not at the house of the parents of the respondent rather at the house of the appellant himself but no band baza, photography and videography was done. Thus, the appellant himself has stated that there is no evidence save and except the photocopy of marriage certificate which was produced by him before the court below.

Today at the time of hearing, learned counsel has produced a xerox copy of the relevant page of the marriage register from his side. On comparing it with the original we are of the opinion that column no. 9 meant for signature of the competent authority is totally blank in the xerox copy. Thus, definitely it is not a xerox copy of the marriage register which is kept in the office of the Registrar of the marriage. Obviously, a fraud is also being indicated in this case.

Be that as it may, in view of the aforesaid facts and circumstances, in our view, this appeal has to fail and accordingly the same is dismissed.

Before, parting with the matter, we would indicate that filing such case and dragging the girl not only to the court below but before this Court in this appeal also, in our view, it is a fit case in



which exemplary cost should be awarded upon the appellant which is assessed as Rs. 25,000/- (Rupees Twenty five thousand) and is to be paid by the appellant to the respondent within a period of six months.

(Dr. Ravi Ranjan, J)

(Anjana Mishra, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
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