

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-49625 of 2018

Date of Decision: 13.12.2018

Mamta & another

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Lajpat Sharma, Advocate
for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of directions to respondents No.2 and 3 to give police protection to the petitioners and also to issue a direction to respondents no.4 to 7 not to interfere with the liberty and married life of the petitioners.

This petition is accompanied with an affidavit of petitioner no.2 – Shishpal, wherein he has deposed that petitioner no.1 – Mamta was born on 02.04.2001.

On 09.11.2018, while issuing notice of motion in this case, counsel for the petitioners was asked to satisfy this Court about the locus of petitioner no.2 to give affidavit regarding the date of birth of the petitioner no.1.

Learned counsel for the petitioners submits that the petitioner no.2 is the husband of petitioner no.1 and therefore, he is competent to give such affidavit regarding the date of birth of his wife.

I have heard learned counsel for the parties.

Petitioner no.2 - Shishpal has given an affidavit regarding the date of birth of petitioner no.1 - Mamta in absence of any documentary proof to substantiate the said fact, which is legally impermissible. Petitioner no.2 is not competent to file such affidavit regarding the date of birth of petitioner no.1, as it is only on 08.11.2018, the petitioners are stated to have solemnized their marriage. It is only petitioner no.1 herself who can furnish such affidavit in support of her date of birth.

Thus, this Court finds that the affidavit furnished by petitioner no.2, declaring the date of birth of petitioner no.1, cannot be accepted.

Accordingly, the present petition is dismissed.

However, in case petitioner no.1 is able to produce any other documentary evidence regarding her date of birth or files her own affidavit, the petitioners would be at liberty to file a fresh petition in accordance with law.

December 13, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No