

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

**CWP No. 26956 of 2017
Date of Decision: 04.09.2019**

Jyoti and another

...Petitioner

Vs.

The State of Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sharmila Sharma, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India for the issuance of writ in the nature of mandamus directing respondent No.3 to register the marriage of the petitioners by deciding their application (Annex. P-4) pending since 01.05.2017 and issue a marriage certificate to them.

2. The petitioners got married in the year 2011. At the time of marriage, the girl was of marriageable age, but, the boy was under 21 years of age and could not be legally married under the prohibitions in the Hindu Marriage Act, 1955. Their birth certificates are placed on record. A son was born to the couple on 04.09.2014 and by that time the boy (husband) had become a major and of marriageable age.

3. The request for registration of marriage has been declined

by the Registrar of Marriages on the ground that at the time of marriage, Yashbir/petitioner No.2 was less than 21 years of age.

4. I have heard learned counsel for the parties and am of the view that the reason for declining the request for registration of marriage is not legally sustainable and deserves to be set aside. Marriage below the age of 18 (for girl) and 21 (for boys), as the case may be, is voidable at the instance of minor party. There is nothing illegal in getting marriage at the age of 18 but its consequences are governed by law. In the present case, the child is born and now both are major so there is no difficulty in antedating the marriage as the child is the legitimate offspring of the marriage which has turned valid on the boy reaching the age of 21 years.

5. In view of the above consideration, the petition is allowed and the impugned order dated 01.05.2017 (Annex.P-4) is set aside. The Registrar of Marriages, Sonapat is directed to register the marriage in accordance with law. Since the marriage is of a substantial duration and the couple is bringing up their offspring, there is no need to inform the general public of the marriage beforehand as they have a right to privacy and to avoid any harm to them. Let the marriage be registered within a fortnight from the date of receipt of certified copy of this order.

6. The petitioners would furnish all the necessary documentation to the Registrar of Marriages and fulfill the other conditions prescribed under the Hindu Marriage Act, 1955, if any,

required.

04.09.2019

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(RAJIV NARAIN RAINA)
JUDGE

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