

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

CWP-6598-2020 (O&M)

Date of decision: 02.12.2020

Rohit and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Mr. Samarth Sagar, Addl. A.G. Haryana.

ANIL KSHETARPAL, J. (ORAL)

The petitioners have filed this petition praying for a direction to get their marriage registered, which has been denied by respondent No.3 vide order dated 10.01.2020. The petitioners were married on 04.09.2016. The bridegroom at the relevant time was 18 years and 23 days old whereas the bride was 22 years 3 months and 1 day old. Subsequently, they were blessed with a daughter. They applied for registration of the marriage after attaining the marriageable age which, as noticed above, has been rejected.

Learned counsel for the petitioners relies upon a judgment passed by the High Court in **Jyoti and another Vs. State of Haryana and others, 2019(4) RCR (Civil) 577**. In para 4 and 5 of the aforesaid judgment, it has been held as under:-

“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.”

Learned counsel appearing for the State, although made efforts but failed to draw attention of this court to any other view possible.

In view thereof, the writ petition is allowed.

The order dated 10.01.2020 is set aside. The registrar is directed to register the marriage after being satisfied that the petitioners fulfill other conditions prescribed under the Hindu Marriage Act, 1955 within a period of one month from the date of receipt of certified copy of the order.

All the pending miscellaneous applications, if any, are disposed of, in view of the above-stated order.

02.12.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

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