

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

Sr. No.206

CWP-6953-2020

Date of decision: 05.10.2020

Gulab Singh and another

....Petitioners

versus

State of Haryana and others

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Yashdeep Nain, Advocate
for the petitioners.

Mr. Deepak Manchanda, Addl. A.G, Haryana.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

Through the present petition, the petitioners seek registration of their marriage under the Haryana Compulsory Marriage Registration Act, 2008 (for short – the Act) which has been denied by the Registrar of Marriages-cum-Tehsildar, Pehowa (for short – the Registrar) through the impugned order dated 03.02.2020.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that on 30.11.2011 the petitioners got married as per Sikh rites. After 09 years of their marriage they applied to the Registrar to get their marriage registereed. Such application was rejected by the Registrar through the order dated 03.02.2020 on the ground that on the date of their marriage petitioner No.1 was not 21 years of age as was required under the law.

At the outset learned counsel for the parties agree that the issue raised in the present petition is covered in the petitioners' favour by a judgment

of this Court dated 27.04.2018 passed in **CWP-10452-2018 – Jaswinder Singh and another vs. State of Punjab and another** which judgment has in turn been passed after relying on a decision of the Supreme Court in **Smt. Seema vs. Ashwani Kumar, (2006) 2 SCC 578** and a decision of a Division Bench of this Court in **Baljit Kaur Boparai and another vs. State of Punjab and another, 2008(3) RCR (Civil) 109** wherein this Court has held that for registration of the marriage, the Registrar is required to see whether there was a valid subsisting marriage on the date when the application was made before him.

It is not disputed that on the date when the petitioners applied to the Registrar for getting their marriage registered they were both of marriageable age. It is further not the case of the respondents that the petitioners' application suffer from any other disqualification under the Act. That being so, in view of the law laid down by this Court in **Jaswinder Singh's** case (supra) the order dated 03.02.2020 (Annexure P-5) is quashed and the respondents are directed to forthwith register the marriage of the petitioners, of course if there are no other legal impediments in their case.

The petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

October 05, 2020

Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No