

Subham Kumar & another

Versus

State of Punjab and others

Present: Mr. D.S. Nigha, Advocate for the petitioners/non-applicants.

Mr. Randhir Singh Thind, DAG, Punjab.

Ms. Vasundhara Dalal Anand, APP for UT Chandigarh.

Through Video Conferencing

The present application has been filed on behalf of the respondents No.4 and 5 seeking recalling of the orders passed by this Court on 04.02.2020 by which, the petition was disposed of with a direction to the Senior Superintendent of Police, SAS Nagar, Mohali to look into the representation (Annexure P-5) dated 30.01.2020 and to ensure that no harm is caused to the petitioners. The subject matter of the petition pertains to the grant of protection to run away couple. It was claimed in the petition by the petitioners that they have attained majority and married against the wishes of their family members and since they were apprehending threat at the hands of the private respondents, they have filed the present petition.

The present application has been filed by the private respondents on the ground that the petitioners have misled this Court by stating that they had attained majority. In fact, the petitioners had not attained majority and rather both the petitioners are within sapindas *inter-se* and therefore have prayed for recalling of the order dated 04.02.2020.

Notice in the present application was issued by this Court on 14.02.2020 and thereafter even the Senior Superintendent of Police, Chandigarh was also impleaded as a party in the present case in view of the stand taken by the learned counsel for respondents No.4 and 5 that Chandigarh Police was calling the applicant and in order to prevent any untoward incident, the Chandigarh Police was impleaded as a party.

On 26.08.2021, when the matter came up for hearing learned counsel for respondents No.4 and 5 was not present during the course of hearing and therefore this Court had directed the Registry of this Court to inform Mr. Amit Kohar, learned counsel for respondents No.4 and 5 regarding the next date of hearing since the matter was taken up through video conferencing and it was also made clear that in case learned counsel for respondents No.4 and 5 is not present on the next date of hearing then the matter shall be taken up on its own merits. The matter, therefore, was adjourned for today.

As per the report of the Registry, learned counsel for the respondents No.4 and 5 was informed about the date fixed in the matter. Today, again the learned counsel for respondents No.4 and 5 is not present despite the matter being called twice. In the application, respondents No.4 and 5 have disputed the age of the petitioners and have also stated that their marriage is not legally permissible. The learned counsel for respondents No.4 and 5 is not available to assist the Court despite an opportunity being granted to him. This Court is of the view that the respondents No.4 and 5 have raised disputed questions of fact but the learned counsel has not even appeared despite information provided to him with regard to the date of

hearing by the Registry of this Court. Even otherwise, the matter pertains to the grant of protection of life and liberty of the petitioners and even if the petitioners had not attained the age of majority and even if the marriage is within the first cousin relationship, this Court has not made any observation on the validity of the marriage and the scope of the petition pertained only to the grant of protection of life and liberty and rather this Court had made it clear in the order dated 04.02.2020 that this order shall not be treated as stamp of the Court about the marriage of the parties and no opinion regarding the validity of the marriage has been expressed.

Therefore, the present application being devoid of any merit, is hereby dismissed.

**(JASGURPREET SINGH PURI)
JUDGE**

21.09.2021
Manpreet