

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

**LPA No.378 of 2021
IN CRWP-3066-2021
Date of Decision:09.04.2021**

Rama and another

...Appellants

Versus

State of Punjab and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Chander Shekhar Singhal, Advocate
for the appellants.

SANT PARKASH, J.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

Instant *intra-court* appeal under clause X of the Letters Patent is directed against the order dated 26.03.2021 passed by the learned Single Judge, whereby criminal writ petition preferred by the petitioners (herein appellants), was dismissed.

Brief facts of the case are that both the appellants fell in love with each other and ultimately, decided to marry. They got married on 20.03.2021 as per Hindu rites and ceremonies. The marriage between the appellants is inter-caste. As per the birth certificates, appellant No.1 is more than 31 years of age and appellant No.2 is more than 20 years and 6 month of age. Appellant No.1 was previously married and had obtained a divorce from her first husband through a member of Panchayat.

Learned counsel for the appellants has contended that the impugned judgment has been wrongly and illegally passed by the learned Single Judge without appreciating the pleadings and material placed on record and as such, the impugned judgment is liable to be set aside. He further contends that the findings of the learned Single Judge that neither there was any endorsement, postal or any receipt with respect to the dispatch of the representation addressed to the Commissioner of Police, Ludhiana, nor there was any receipt of acknowledgment from the office of Commissioner of Police, Ludhiana, are totally erroneous as e-mail receipts were attached along with the representation at page Nos.14 and 15 of the writ petition. Otherwise, protection of life and liberty is a fundamental right being sacrosanct under the constitutional scheme, it must be protected, regardless of the solemnization of an invalid or void marriage or even the absence of any marriage between the parties.

We have heard learned counsel for the appellants and perused the case file.

Before advertng to the matter in hand, it is noted that Letters Patent Appeal (LPA) is an appeal by the writ petitioners against the decision of a learned Single Judge to another Bench of the same Court. It is an *intra-court* appeal in High Court. The scope of the LPA is limited to the extent whether the order under appeal is permissible in law and is in consonance with the settled canons of law. Reference in this regard can gainfully be made to the judgment of the Hon'ble Supreme Court in ***Management of Narendra and Company Vs Workmen: 2016(3) SCC 340***, wherein it has

been held that unless the Appellate Bench reaches to a conclusion that the finding of the learned Single Bench is perverse, it shall not disturb the same and there should be no interference with the order passed by the learned Single Judge merely because another view or a better view is possible.

While dismissing the writ petition, it was specifically observed that the divorce so obtained by appellant No.1 from her first husband has no sanctity in the eyes of law. Still further, a perusal of the representation dated 20.03.2021 (Annexure P-5) reveals that the allegations levelled by the writ petitioners-appellants qua the alleged threat perception therein are totally vague and bald, for which this Court would be most reluctant to issue any directions to respondent No.2-The Commissioner of Police, Ludhiana, as neither there is any endorsement, postal or any receipt with respect to the dispatch of the said representation nor there is any receipt of acknowledgment from the office of respondent No.2-the Commissioner of Police, Ludhiana. Though, the appellants-writ petitioners have already been placed on record e-mail receipts at page Nos.14 and 15 of the writ petition but these receipts by any stretch of imagination, cannot be said to be the conclusive pieces of evidence to ascertain that the appellants-petitioners has moved any representation. Moreover, the learned Single Judge has rightly observed that the averments made in the petition and the submissions made by learned counsel do not inspire the confidence of this Court, which would warrant any issuance of direction to the respondent No.2.

In view of the aforesaid discussion, no case for interference is made out as we do not find any infirmity or illegality in the impugned order

dated 26.03.2021 passed by the learned Single Judge. Accordingly, the present appeal is hereby dismissed, being devoid of any merit.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

09.04.2021
mks

Whether speaking/reasoned: Yes / No
Whether Reportable: Yes / No