

CWP-15127-2021

Date of decision : August 24, 2021

Vikram and another

.....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Arshit Goel, Advocate for the petitioners.

Mr. Ashish Yadav, Addl. AG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this petition is for quashing of communication dated 20.07.2021 (Annexure P9) whereby petitioners' request for registration of their marriage has been rejected on the ground that bridegroom was only 18 years, 5 months and 10 days old at the time of marriage.

Notice of motion was issued in this case on 10.08.2021 while noting as under:-

“ Petitioners, it is submitted, are major, of marriageable age and even have one child but their marriage is not being registered by the competent authority on the ground that at the time of marriage, age of the bridegroom was 18 years. Said action, it is stated, is clearly violative of the settled position of law. Reference is made to decision dated 28.03.2008, titled **Baljit Kaur Boparai and another vs. State of Punjab and another** in **CWP-4238-2008** and decision dated 04.09.2019, titled **Jyoti and another vs. State of Haryana and others** in **CWP-26956-2017**. ”

Petitioner No. 1 was 30 years old and petitioner No. 2 his wife was aged 34 years at the time of seeking registration of their marriage. Furthermore,

they also have one child out of their marriage which was solemnised on 08.12.2009.

Matter had been adjourned to enable learned counsel for the State to seek instructions. Learned counsel for the State, on instructions from Sh. Varinder Rana, Registrar of Marriage, Karnal, submits that in case requisite application alongwith attending documents is submitted by the petitioners, the same shall be considered without taking up the objection as mentioned in communication dated 20.07.2021 and needful shall be done within ten (10) days of petitioner's submitting necessary application alongwith the attending documents. Learned counsel for the petitioners submits that needful shall be done within one week from today.

Keeping in view the facts and circumstances as above, communication dated 20.07.2021 (Annexure P9) is set aside and this writ petition is disposed of with the direction that in case necessary application is submitted by the petitioners within one week from today, respondent No. 3 shall take necessary action thereon in accordance with the statement made on his behalf in Court today and in accordance with law expeditiously, preferably within two weeks of receipt of application.

August 24, 2021
Rts

(Lisa Gill)
Judge

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