

Naresh Kumar & Anr.

...Petitioners

Versus

State of Haryana & Ors.

....Respondents

CORAM: HON'BLE MR JUSTICE ARUN MONGA

**Present : Mr. S.S. Gill, Advocate
for the petitioners.**

**Mr. Manoj Kumar Taya, AAG Haryana.
(presence marked through video conferencing)**

ARUN MONGA, J. (ORAL)

1. The grievance of the petitioners herein is qua alleged non-registration of their marriage despite their having approached the respondents in this regard.
2. The petitioners claim that at the time of their marriage, they were minors, however, later on they have been blessed with two children and have turned major.
3. Be that as it may, facts are noticed only for the purpose of reflecting the grievance of the petitioners.
4. Having perused the reply filed by the respondents, no interference is called for in exercise of extraordinary writ jurisdiction of this Court.

5. For ready reference, the relevant para of the reply is reproduced below:-

“4. The real facts of the case are that petitioners never approached to the office of answering respondent for registration of their marriage. However as per provisions of Hindu Marriage Act, 1955(as amended upto date) Section 5(iii)-Conditions for a Hindu Marriage- the age of bridegroom has completed 21 years and age of bride completed 18 years at the time of marriage. So, the on-line application for registration of marriage never up-load upon government website SARALHARYANA.GOV.IN due to under age(because both petitioners were minors at the time of marriage).”

6. The marriage performed between the parties herein is not in consonance with Section 5(iii) of Hindu Marriage Act which prescribes the minimum age of bridegroom as 21 years and 18 years for bride at the time of their marriage. A marriage performed by the parties below the prescribed age is violative of Hindu Marriage Act and is also punishable under Section 18 of the Act, *ibid*. In the premise, the parties to a legally impermissible marriage have no vested right of registration of their marriage.

7. In view of the above, the writ petition is disposed of with an expectation that in case the petitioners approach the competent authority seeking registration of their marriage, their request be dealt with in accordance with law.

March 15, 2021
Jiten

(ARUN MONGA)
JUDGE

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