

254

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

**CWP No.10206 of 2022
Date of Decision: 18.07.2022**

SUNAINA AND ANR

.....Petitioners

Vs

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanpreet Sandhu, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioners have preferred this writ petition for the issuance of a writ in the nature of mandamus directing respondents No.3 to register the marriage of the petitioners, who are now major and have been blessed with a child as well.

[2]. Evidently, no 3rd party interest is involved in this case and the case can be disposed of on the facts pleaded in the petition as well as stand taken in the written statement.

[3]. Marriage was solemnized between the petitioners on 07.02.2017. At the time of marriage, petitioner No.1 was 19

years of age and petitioner No.2 was 20 years of age. They filed CRM-M No.10014 of 2017 in the High Court and the same was disposed of in the context of protection *qua* life and liberty of the petitioners. No opinion was expressed *qua* validity of marriage. The Superintendent of Police, Yamuna Nagar was directed to take necessary action on the representation filed by the petitioners on 21.03.2017.

[4]. It appears that at the time of filing the application for registration of marriage on 17.03.2022, wrong date of marriage was mentioned.

[5]. According to learned counsel for the petitioners, the date of marriage as 10.04.2018 was written due to some misconception as against the real date of marriage i.e. 07.02.2017 and that is why the marriage could not be registered on this score, in addition to the ground that the petitioners were not major at the time of solemnization of marriage on 07.02.2017.

[6]. In the written statement filed by State, the aforesaid twin conditions have been pleaded to discard the contention of the petitioners.

[7]. I have considered the submission made by learned counsel for the parties.

[8]. In **Seema vs. Ashwani Kumar (2006) 2 SCC 578**, the Hon'ble Apex Court has issued comprehensive directions to the States and the Central Government to take various steps for making registration of marriages of persons belonging to all religions as compulsory. As of now, both the petitioners have attained majority. Petitioner No.1 is 23 years of age and petitioner No.2 is 25 years of age.

[9]. In **Baljit Kaur Boparai and another vs. State of Punjab and another, 2008(3) R.C.R. (Civil) 109**, this Court has held that in case one of the spouses is less than 21 years of age at the time of solemnization of marriage, the marriage can be registered on attaining majority by that spouse. Registration of marriage cannot be refused on the ground that the couple had solemnized their marriage when they were less than 18 or 21 years of age respectively. Even registration of marriage cannot be refused on the ground that parents of bride were not present at the time of registration. The Registering Authority is only to see that there was a valid marriage. Marriage may not be valid at the time of solemnization of marriage as one of the contracting party was minor, but after attaining majority, the contracting party can stake his/her claim for registration of marriage for which the Registering Authority is under legal obligation to register the marriage, provided all necessary

formalities are complied with. The Registering Authority at the time of registration of the marriage is only to see that there was a valid subsisting marriage at the time of application and the parties have completed the age of 21 years at the time of registration.

[10]. Learned counsel has also placed reliance upon CWP No.10452 of 2018 titled 'Jaswinder Singh and another vs. State of Punjab and another' decided on 27.04.2018 in this regard.

[11]. Looking to the facts and circumstances of the case, I deem it appropriate to direct the petitioners to approach respondent No.3 by way of fresh application by giving details of all the necessary particulars and complying with all the necessary formalities.

[12]. On receipt of fresh application, respondent No.3 shall proceed to do the needful forthwith in accordance with law.

[13]. Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

July 18, 2022

Atik

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No