

In the High Court of Punjab and Haryana at Chandigarh

(112)

**CRWP No. 4389 of 2022
Date of Decision: 09.5.2022**

Pooja Rani and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. Suman Kumari, Advocate for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Ms. Shaveta Sanghi, Advocate and
Mr. Lokesh Sharma, Advocate
for respondents No. 4 and 5.

SURESHWAR THAKUR, J. (ORAL)

1. One Pooja Rani, from a perusal of a photocopy of her Aadhar Card, is unfolded to be born on 15.5.2003, and, has entered into a live in relationship with one Bablu, who is revealed by a photocopy of his Aadhar Card, to be born on 30.10.2003. From a perusal of Annexure P-2, it appears that one Bablu, with whom one Pooja Rani, is in a live-in relationship, has not arrived at the age to contract a valid marriage with Pooja Rani, rather he has entered into a live-in relationship with one Pooja Rani.

2. However, if the both co-petitioners are to be construed to be holding a valid live-in relationship, thereupon both are required to be majors, at the instant stage, and, the best evidence with respect to proof of majority of both of them, becomes comprised in the birth certificates, of both, as became issued by the Registrar of Births, and, Deaths. However,

the birth certificates, appertaining to the age of the co-petitioners, as, issued

by the Registrar of Births, and, Deaths, have not been placed on record. Therefore, at this stage, it cannot be firmly concluded by this Court, that the live-in relationship, as has been entered into by the co-petitioners, is a validly entered live-in relationship.

3. The learned counsel for respondents No. 4, and, 5 submits, that co-petitioner No. 2 is a financially resourceless person, and, has enticed co-petitioner No. 1, to remove certain valuables from her parental home, for financially nourishing the live-in relationship, established inter se both the petitioners. The learned counsel for respondents No. 4, and, 5 also submits that they are ready and willing to receive back in their home, co-petitioner No. 1 along with all the valuables, as are alleged to be removed by her, to provide financial nourishment, to the live-in relationship, established amongst them.

4. However, at this stage, no absolute credence can become assigned to the afore submission, as, made before this Court, on behalf of co-respondents No. 4, and, 5. However, the above can be addressed before co-respondent No. 2, before whom, the relevant representation, as embodied in Annexure P-3, is pending for an adjudication, being made thereon.

5. Consequently, both the co-petitioners, and, co-respondents No. 4, and, 5 are directed to, within a week, make their respective personal appearances, before co-respondent No. 2, and, thereafter, the latter shall, in accordance with law, make a speaking decision, upon Annexure P-3. Moreover, it is clarified that if from the best evidence, appertaining to the authenticity of the date of birth of co-petitioner No. 1, it is revealed that she has not acquired majority, at this stage, or at the stage when she entered into a live-in relationship with co-petitioner No. 2, thereupon, co-respondent

No. 2 shall, in accordance with law, in case a complaint with respect to co-petitioner No. 1 being kidnapped by co-petitioner No. 2, becomes filed, to draw appropriate action against co-petitioner No. 2, but in accordance with law. However, no coercive action be drawn by co-respondent No. 2 against co-petitioner No. 2, unless seven days notice is served upon him.

6. The petition is disposed of.

7. A copy of this order be given dasti on payment of usual charges.

(SURESHWAR THAKUR)
JUDGE

May 09, 2022
Gurpreet

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