

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

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**CWP No. 10213 of 2022
Date of Decision: 01.08.2022**

SANDEEP SINGH AND ANR

.....Petitioners

VS

STATE OF HARYANA AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Jitesh Sharma Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioners have preferred this writ petition for the issuance of a writ in the nature of mandamus directing the respondents to issue certificate of Registration of Marriage to the petitioners.

Marriage was solemnized between the petitioners on 21.01.2008 as per Sikh Rites. At the time of marriage, petitioner No.1 was above 18 years of age and petitioner No.2 was above 25 years of age. Evidently, petitioner No.1 was not of marriageable age as on 21.01.2008. Now he has attained the age of majority. Petitioners have already been blessed with two children. The son took birth on 02.11.2008 and daughter took birth on 21.12.2014.

On 18.07.2022, learned State counsel submitted that the panelist counsel on behalf of respondent No.2 shall be informed.

In view of nature of controversy, there is no need to invite any counter on behalf of respondent No.2.

I have considered the pleadings with the assistance rendered by learned counsel for the petitioners.

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.

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 spouses was minor, but after attaining majority, there is no such impediment for registering the marriage in question.

In view of the aforesaid legal position, I deem it appropriate to direct respondent No.2 to do the needful in the context of issuing certificate of Registration of Marriage to the petitioners within fortnight. Petitioners are also directed to comply with any other formalities as may be required for issuance of the certificate in question.

Petition stands disposed of accordingly.

01.08.2022

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No