

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

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CWP-28314-2022
Date of Decision: 22.12.2022

AVTAR SINGH

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Hitesh Verma, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents No.2 to register the marriage of the petitioner on the basis of memorandum dated 16.08.2022 (Annexure P-2) submitted alongwith necessary documents, under the relevant provisions of the Punjab Compulsory Registration of Marriage Act, 2012 with a further prayer to direct respondent No.2 to permit wife of the petitioner to appear through Video Conference, who is currently residing in Russia.

Briefly summarized, the facts of the case are that the wife of petitioner namely Ms. Maria Kumar is a Russian Citizen. The marriage of the petitioner and said Ms. Maria was solemnized on 05.08.2022 according to Sikh rites and rituals. Marriage Certificate is appended alongwith the petition as Annexure P-1. Thereafter, petitioner and his wife submitted memorandum dated 16.08.2022 (Annexure P-2) alongwith necessary documents, under the relevant provisions of Punjab Compulsory Registration of Marriage Act, 2012

to the respondent No.2 for registration of their marriage. However, the respondent No.2 has not registered the said marriage on account of a doubt to the effect that whether such marriage can be registered under the Punjab Compulsory Registration of Marriage Act, 2012 as the wife of the petitioner is not an Indian Citizen. On 18.08.2022, wife of the petitioner had to leave for Russia as her return ticket was booked. The petitioner tried his level best to convince the respondent-Authority that the marriage is valid as per Hindu Marriage Act, 1995 as the wife of the petitioner had converted to Sikhism prior solemnization of marriage, however, the respondents did not pay any heed towards the requests of the petitioner. Ultimately, the petitioner submitted a representation dated 26.09.2022 followed by a legal notice dated 14.11.2022 (Annexures P-4 and P-5 respectively) for redressal of his grievance but no action has been taken thereupon till date.

Notice of motion.

Mr. Vishnav Gandhi, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents and prays for some time to complete instructions and file response, if necessary.

Learned counsel for the petitioner, however, contends that he would be satisfied at this juncture if the respondent No.2 is directed to decide the legal notice dated 14.11.2022 (Annexure P-5) in a time bound manner. He further prayed that the presence of petitioner's wife, who is residing in Russia, if at all required at any stage, may be allowed to be secured through video conferencing.

The prayer made above is not objected to by the learned State Counsel.

In view of the above, the present petition is hereby disposed of with the consent of the parties and without commenting anything on the merits of the case, with a direction to the respondent No.2 to consider and decide the legal notice dated 14.11.2022 (Annexure P-5) by passing a reasoned and speaking order in a time bound manner and preferably within period of three months from the date of receipt of certified copy of this order after affording an effective opportunity of hearing to the respective parties. The presence of the petitioner's wife, if required, be secured through video conferencing.

Petition stands disposed of accordingly.

22.12.2022
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No