

D/L. 22.
May 10, 2023
MNS.

W. P. A. 23011 of 2006

Miss Priya Banerjee
Vs.
State of West Bengal and others

Mr. Sarwar Jahan,
Mr. Sayantan Hazra

...for the petitioner.

Ms. Sutapa Sanyal,
Mr. Anand Farmania

...for the State.

An affidavit-of-service filed by the petitioner in Court today be kept on record.

It is seen from the order dated May 8, 2023 passed in this writ petition that such leave was given to the petitioner on the said date.

By virtue of the order dated May 8, 2023, upon furnishing the detailed reasons, it was observed that it is *prima facie* evident from the pleadings and the materials annexed, which are uncontroverted till date, that the marriage certificate issued in favour of the respondent no. 3 indicating the purported marriage between the petitioner and the said respondent, is vitiated by

palpable contravention of Section 11 of the 1954 Act.

Since nothing subsequent has transpired for the Court to change its opinion on such score, WPA No. 23011 of 2006 is allowed, thereby setting aside the purported marriage registration certificate issued by respondent no. 2 pertaining to the alleged marriage between the petitioner and the respondent no. 3 and quashing the same, on the grounds furnished in the order dated May 8, 2023.

It is made clear that the said purported marriage certificate, since quashed, shall not be relied on by any authority and/or any person before any legal forum.

However, it is made clear that nothing in this order shall prevent the present husband of the petitioner, namely, Arijit Bhattacharjee, to substantiate his contention as regards the marriage between the petitioner and the respondent no. 3 having otherwise been observed, if the present husband so chooses, by other circumstantial or collateral evidence, if necessary, in the civil suit at present pending between the petitioner and her husband, namely, Arijit Bhattacharjee.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)