

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-6450-2023 (O&M).

Date of Decision: 27.03.2023.

Gurjeevan Singh and another

.. Petitioners

Versus

State of Haryana and others

... Respondents

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

Present: Ms. Sonia G. Singh, Advocate,
for the petitioners.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been preferred by the petitioner seeking issuance of directions to the respondents to accept the file of the petitioners for seeking registration of the marriage and to pass appropriate orders thereupon as per the provisions of Section 7 (3) of the Haryana Compulsory Marriage Registration Act, 2008.

Learned counsel for the petitioners contends that the petitioners have solemnised the marriage on 13.12.2013 as per Sikh rites and customs at Gurudwara Shri Guru Singh Sahib, Village Chammu Kalan. Petitioner No.1 was 19 years of age while petitioner No.2 was 26 years of age at the time of marriage. Since the petitioners are now planning to go abroad, they are in need of a marriage registration certificate. Accordingly, the petitioners have approached the respondent-Authorities for registration of the marriage with all the necessary documents on 03.03.2023, however, the respondent-Authorities are not accepting or acknowledging the submission of such form on the premise that petitioner No.1 was less than 21 years of age as on the date of solemnization of marriage. She further submits that

this Court in the matter of **Deepak Kumar and another Vs. State of Haryana and others 2020 (3) R.C.R. (Civil) 623**, has held that the marriage being in violation of age restriction is voidable and not void. Once the marriage is legal, there is no bar to its registration. Reliance is also placed on the judgment in the matter of **Jyoti and another Vs. State of Haryana and others, 2019 (4) R.C.R. (Civil) 577**.

Notice of motion.

On the asking of the Court, Mr. Pankaj Mulwani, DAG, Haryana, who is present in Court, accepts notice on behalf of respondents No.1 to 3 and Mr.Vivek Saini, Advocate, accepts notice on behalf of respondent No.4-Municipal Council. They submit that the petitioners have already submitted representations dated 09.03.2023 and 11.03.2023 (Annexures P-5 and P-6) to the concerned Authorities and that the competent Authority shall take a decision on the same in a time bound manner.

Learned counsel for the petitioners submits that she would be satisfied in case the decision is taken by the concerned Authorities in a time bound manner as submitted by the learned counsel for the respondents.

Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present petition is disposed of with a direction to respondent No.3 - the Tehsildar-cum-Registrar of Marriages, Assandh, District Karnal, to take a decision on the representation dated 11.03.2023 (Annexure P-6) sent by the petitioners and to pass a reasoned and speaking order thereupon in accordance with law and preferably within a period of forty five (045) days after affording an opportunity of hearing to the respective parties.

Petition stands disposed of accordingly.

March 27, 2023

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(VINOD S. BHARDWAJ)

JUDGE

Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No