

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

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**CWP-22253-2019
Date of decision: 20.01.2023**

AMIT DHIMAN AND ANOTHER

.....Petitioner

VERSUS

REGISTRAR OF MARRIAGE CUM TEHSILDAR BARARA AND
ANOTHER

.....Respondents

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

Present:- None for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India for seeking issuance of directions to respondent No.1 to register marriage of the petitioners.

2. Briefly summarized the facts of the present writ petition are that the petitioners had solemnized their marriage on 23.06.2018 at Sri Durga Mata Mandir, Sector-10, Ambala out of their own sweet will and without any coercion. Subsequent to the performance of marriage, the petitioners applied for registration of marriage thereof with respondent No.1 i.e. the Registrar of Marriage-cum-Tehsildar Barara, however, the said respondent refused to register their marriage on the ground that the parents of the

petitioners need to remain present. It is contended that the petitioners fulfilled the requisite age for seeking registration of the marriage as per law laid down in the judgment of “Gagandeep Kaur & Another versus State of Punjab and Others” (CWP No.10074 of 2013) and that the parties are neither within degrees of prohibited relationship nor they were incompetent to perform marriage. There is thus no legal impediment in registration of the marriage.

3. Written statement on behalf of the respondent No.1-Tehsildar-cum-Registrar of Marriage, Tehsil Barara, District Amabla has been filed.

Relevant extract of the same reads thus:

Preliminary Submissions:-

“1. That it is worth mentioning here that the petitioners have approached the respondent no. 1 with their application for registration of their marriage under the "Haryana Compulsory Registration of Marriages Act 2008" and requested for registration of their marriage under the act. The application and the documents submitted by the petitioners were scrutinized by the respondent no. 1 and the original documents i.e. Adhar Card, Birth Certificate etc were demanded from the petitioners for verification purpose, and thereafter never visited to the office of respondent no. 1 and filed the present petition by concealment of facts. The respondent no. 1 never refused to register of marriage of the petitioners subject to fulfilling the requirement laid down by law. Further the incentive under "Dr. Ambedkar Scheme for Social Integration through Inter-Caste Marriage" can be availed by fulfilling legal requirements. The petition under the reply is devoid of any merit and therefore the same is liable to be dismissed.”

4. It is averred by the respondent No.1 in the aforesaid reply that he has never refused to register the marriage of the petitioners and presence of the parents was also not sought for registration of the marriage of the petitioners. It is further averred that as and when the petitioners will appear before the authority with the requisite documents, the necessary registration shall be undertaken. So far as the remaining benefits under “*Dr. Ambedkar Scheme for Social Integration through Inter-Caste Marriage*” is concerned, the petitioners are entitled to lodge their claims before the appropriate authority in terms of the said schemes and the respondent No.1 has no connect with the same.

5. There is no representation on behalf of the petitioner successively for the last two dates. Further wait is not justified.

6. The present petition is accordingly disposed of with liberty to the petitioners to approach the respondent No.1-Tehsildar-cum-Registrar of Marriage for seeking registration of the marriage. In the event of the petitioners approaching the said Registrar with the requisite documents, the necessary registration shall be undertaken by the Sub Registrar as per law.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 20, 2023
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No