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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13867-2023 (O/M)

Date of decision :19.07.2023

Amandeep Maman

..... Petitioner

Versus

Registrar of Marriage, Chandigarh

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Tushar Tanwar, Advocate
for the petitioner.

Mr. Anil Kumar Sharma, Additional Standing Counsel with
Mr. Karan Vir Singh, Assistant Standing Counsel
for respondent.

HARSH BUNGER, J.

1. Petitioner (Amandeep Maman) has filed this writ petition under Articles 226/227 of the Constitution of India seeking a writ of mandamus for directing respondent to add/change the name of the petitioner in the Marriage Certificate (Annexure P-1).

2. It is the case of the petitioner that he was married to Ms. Rajni Rani on 27.04.2018 and at the time of marriage, name of the petitioner recorded in all documents was "Amandeep", accordingly in the Marriage Certificate (Annexure P-1), issued by Chandigarh Administration also, name of the petitioner was recorded as "Amandeep". It is submitted that on 20.08.2018, the petitioner changed his name from "Amandeep" to "Amandeep Maman" and to give effect to the same, publication was made in two newspapers i.e. one Regional and one English newspaper (Annexure P-2). It is further submitted that the petitioner also

got Passport No. S8253160, issued on 07.12.2018 by the Passport Authority (Annexure P-3), with the changed name i.e. "Amandeep Maman". It is next submitted that the petitioner has also got Birth Certificate (Annexure P-4), issued on 06.01.2022 by the Local Registrar, Nawanshahr, wherein his name is also mentioned as "Amandeep Maman" and even in the Aadhar Card (Annexure P-5), issued by the authority concerned, his changed name i.e. "Amandeep Maman" is mentioned.

3. Learned counsel for the petitioner submits that the petitioner applied for visa to Italian Embassy, however, he was asked to submit the Original Apostilled Marriage Certificate with correct full name of the groom. It is submitted that accordingly the petitioner applied for addition/change of name of the petitioner in the Marriage Certificate in the office of Registrar of Marriage, Chandigarh, however, no action has been taken thereon till date.

4. Upon issuance of notice of motion, Mr. Anil Kumar Sharma, Additional Standing Counsel appeared on behalf of U.T. Chandigarh and submitted a short reply in the Court today which is taken on record subject to just all exceptions.

5. In the reply, it has been submitted that the representation submitted by the petitioner regarding addition/change of name in the Marriage Certificate has been decided, vide Memo dated 28.06.2023 (Annexure R-1/1), issued by the Registrar of Marriage, Chandigarh, by stating that as per the rules of Haryana Compulsory Marriage Registration Act, 2008 (extended to the Chandigarh Administration), there is absence of any provision relating to addition/change of name in the marriage certificate. It is further submitted that the Home Department,

Chandigarh Administration, has issued a Notification dated 28.03.2012, notifying the Chandigarh Compulsory Registration of Marriage Rules, 2012 (Annexure R-1/2) wherein there is absence of any provision with regard to add/change of name in the marriage certificate and due to the said reason, representation of the petitioner has been declined.

6. Apparently, the request of the petitioner regarding addition/change of name in the marriage certificate stands declined, vide Memo dated 28.06.2023 (Annexure R-1/1), issued by the Registrar of Marriage, U.T. Chandigarh.

7. Learned counsel for the petitioner submits that even though there is no specific prayer for quashing of the said Memo dated 28.06.2023 (Annexure R-1/1), yet, in view of the main prayer seeking addition/change in the name of the petitioner in the marriage certificate, the validity thereof be examined and a view be taken.

8. I have heard the learned counsel for the parties and perused the paper book as well as short reply filed on behalf of the respondent.

9. Concededly, the name of the petitioner recorded in the Marriage Certificate (Annexure P-1) was "Amandeep", however, subsequently, the petitioner has got Passport bearing No. S8253160 in the name of "Amandeep Maman". Likewise his Birth Certificate and Aadhar Card also contain his name as "Amandeep Maman". It appears that thereafter the petitioner applied for change of his name in the marriage certificate from "Amandeep" to "Amandeep Maman", however, the same has now been declined, vide Memo dated 28.06.2023 (Annexure R-1/1).

10. Declining the request of the petitioner is sought to be justified by the U.T. Chandigarh by submitting that there is no provision under the Chandigarh

Compulsory Registration of Marriage Rules, 2012, as notified by the Chandigarh Administration, vide Notification dated 28.03.2012 (Annexure R-1/2). However, I am of the considered view that the aforesaid stand taken by U.T. Chandigarh is not well founded. The petitioner is only seeking addition of his surname "Maman" after his first name "Amandeep". A perusal of the documents attached with the writ petition would indicate that the petitioner had already been issued passport, birth certificate as well as aadhar card in the name of "Amandeep Maman". The aforesaid documents have not been doubted/disputed by the Chandigarh Administration. Moreover, learned Additional Standing Counsel appearing on behalf of U.T. Chandigarh has not adverted to any specific bar/provision, which prohibits the authorities from changing the name in the marriage certificate, which of course, would be subject to other undisputed documentary proofs, which may be relied upon by a person seeking amendment/change of his/her name in the marriage certificate. In the case of *Dharmjit Bangarh Versus State of Punjab and another*, 2019 (3) RCR (Civil) 431, this Court has held as under :-

"9. The petitioner herein was not seeking the correction of any error that had crept into the Marriage Certificate dated 27.1.2011 (Annexure P-1). Documents placed on record would indicate that the petitioner had started employing his sur name 'Bangarh' after his first name Dharmjit subsequent to the issuance of the Marriage Certificate. Such factual premise is borne out of the documents placed on record i.e. copy of the Passport which has been issued on 16.11.2017 reflecting name of the petitioner to be Dharmjit Bangarh. Further placed on record is the copy of the Aadhar Card issued by the Unique Identification Authority of India which also reflects the name of the petitioner to be Dharmjit Bangarh. Even the State of Punjab, Health and Family Welfare Department/Chief Registrar, Births and Deaths, Punjab has issued a Birth Certificate in favour of the petitioner dated 21.8.2018 reflecting his name as Dharmjit Bangarh and father's name as Mohan Lal.

10. The authenticity of such documents placed on record at Annexure P-2 (Colly) is not under doubt. The Passport, Aadhar Card as also Birth Certificate at Annexure P-2 (Colly) were issued after

issuance of the Marriage Certificate at Annexure P-1.

11. In other words, it is not a case of correction of error in the Marriage Certificate but a change/amendment that was being sought on the strength of documents issued subsequent to the Marriage Certificate. Section 49 of the Special Marriage Act, 1954, as such, would have no applicability in the facts of the present case.

12. Even if there be no specific rule/provision under the Special Marriage Act, 1954 to deal with the amendment sought for, learned State counsel has not been able to advert to any specific bar thereunder.

13. In a situation where the contents of a Passport, Aadhar Card as also Birth Certificate at Annexure P-2 (Colly) are not under dispute and the same having been issued after the Marriage Certificate dated 27.1.2011 (Annexure P-1), there would be no impediment in carrying out the necessary change in the Marriage Certificate and for the petitioner's name to read as Dharmjit Bangarh instead of Dharmjit. This would be more so as parentage of the parties remains intact.

14. For the reasons recorded above, the communication dated 21.11.2018 (Annexure P-3) is set aside.

15. Directions are issued to respondent No. 2 to issue in favour of the petitioner an amended Marriage Certificate wherein his name would be reflected as Dharmjit Bangarh instead of Dharmjit. Needful be done within a period of two weeks from the date of receipt of certified copy of this order.”

11. Keeping in view the aforementioned facts and circumstances, in a situation where the name of the petitioner i.e. “Amandeep Maman” as recorded in the Passport, Aadhar Card and Birth Certificate, is not under dispute and the same having been issued subsequent to the issuance of Marriage Certificate (Annexure P-1), there would be no impediment in carrying out the necessary addition/change in the marriage certificate as regards the petitioner's name from “Amandeep” to “Amandeep Maman”, moreso when the parentage of the petitioner remains intact.

12. In view of the above, the Memo dated 28.06.2023 (Annexure R-1/1), issued by Registrar of Marriage, U.T. Chandigarh (respondent herein), is quashed and respondent is directed to issue in favour of the petitioner an amended Marriage

Certificate, wherein his name would be reflected as “Amandeep Maman” instead of “Amandeep”. Needful be done within a period of three weeks from the date of receipt of certified copy of this order.

13. Petition is disposed of in the aforesaid terms.
14. All pending applications (if any) shall stand closed.

(HARSH BUNGER)
JUDGE

19.07.2023
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No