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15.05.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 13094 of 2024

Madhurima Chatterjee
Vs.
The State of West Bengal & Ors.

Mr. Partha Pratim Ray,
Ms. Poulami Chakraborty
...for the petitioner

Ms. Jhuma Chakraborty,
Ms. Munmun Tewary
...for the State

1. Learned counsel for the petitioner submits that the respondents have substantially been served.
2. On the prayer of the petitioner, leave is granted to the petitioner to file the affidavit of service during the course of the day.
3. The grievance of the petitioner is that the petitioner filed an application for declaring her purported marriage void.
4. Initially the suit was dismissed, against which the petitioner preferred an appeal. The appellate court, by its judgment and decree dated April 29, 2023 passed in Title Appeal No. 59 of 2022, set aside the decree of the learned Trial Judge and declared that no marriage took place between the petitioner and the respondent therein. It was further declared that the marriage certificate dated February 18, 2021 was void and inoperative.

5. The respondent in the said suit was also restrained by permanent injunction from creating any disturbance in the social life of the appellant/present petitioner claiming her as wife of the respondent.

6. Pursuant to the said decree, the petitioner made an application before the concerned Marriage Registrar, that is, the respondent no. 3 herein. The application sought a cancellation/endorsement in the records indicating that the said certificate was void.

7. However, no steps having been taken, the present writ petition has been preferred.

8. A perusal of the appellate court's order indicates that no specific direction was given on the Marriage Registrar to cancel the certificate and/or to make any endorsement. However, such prayer of the petitioner is a necessary and implicit corollary of the decree of the appellate court whereby it was declared that no marriage took place and the marriage certificate is void and inoperative.

9. Hence, in order to properly implement the decree of the appellate court, the Marriage Registrar ought to be directed to cancel the said certificate in the spirit and letter of the decree of the appellate court.

10. Accordingly, W.P.A. No. 13094 of 2024 is allowed, thereby directing the respondent nos. 2

and 3, that is, the Registrar General of Marriage, West Bengal and the Marriage Registrar, Village-Sonarundi, District-Murshidabad respectively, to cancel the marriage certificate dated February 18, 2021 in respect of the petitioner within a fortnight from the date of communication of this order to the said respondents.

11. There will be no order as to costs.

12. Urgent certified copies of the order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)