S. No. 227
Suppl.

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

WP(C) 3065/2024 CM(8345/2024)

SHAKILA AND ANOTHER …Petitioner(s)/Appellant(s)

Through: Mr. Abdul Basit, Advocate

Vs

UNION TERRITORY OF J AND K (HOME) AND ORS ...Respondent(s)

Through:

CORAM:
HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
27.12.2024

1. The petitioners claim to be major having solemnized their marriage in accordance with the Shariat Law as per their own will and volition. It is submitted that Nikah Nama was executed on 17.11.2023 in presence of witnesses. The petitioners submit that they apprehend interference from the respondents. With a view to substantiate their claim that the petitioner No. 01 is major, reliance has been placed on the copy of prescription purportedly issued by some Dental Surgeon practicing at Jhelum Dental Care, Dooru Shahabad certifying that the age of the petitioner No. 1 is same as reflected in her Aadhaar Card i.e., 45 years.

2. Learned counsel for the petitioners refers to the decision of the Supreme Court in "*Lata Singh v. State of U.P. and Anr*", 2006 (5) SCC 475, and submits that in absence of there being any legal impediment, the petitioners are entitled to marry according to their choice and the official respondents are duty bound to protect the life and liberty of the petitioners.

3. Having gone through the contention of the learned counsel for petitioners and the material placed on record, prima facie it appears that petitioner No. 02 is a major and has solemnized her marriage with petitioner No. 01 out of her own will and volition. Both the petitioners are before this Court and have made a statement that they have solemnized their marriage out of their own will and volition and that they are still together as husband and wife. If that be the position, nobody including the police has a right to interfere in their peaceful married life.

4. This petition is disposed of by providing that none of the respondents including the police shall interfere or cause any interference in the married life of the petitioners. This direction has been given by this Court after having been satisfied that both the petitioners are major and have solemnized their marriage out of their free will and volition.

5. Disposed of.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR
27.12.2024
Aamir