

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5688 OF 2024

Dhiraj Tanaji Dalvi

.. Petitioner

Versus

1. Pune Municipal Corporation
& 2 Ors.

.. Respondents

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Ms. Devanshi Shah a/w. Mr. Saurabh Patil, for Petitioner.

Mr. Rhishikesh Pethe, for Respondent Nos. 1 to 3.

CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.

DATE : OCTOBER 9, 2024

P. C.

1. The above writ petition is filed seeking an order and direction to the Respondents to correct the date of marriage of the Petitioner with his wife Shital Namdeo Raut (for short, "***Shital***") from "21st May, 2023" to "6th November, 2023".

2. This peculiar relief is sought because the Marriage Certificate and documents submitted reflect the marriage date as "21st May, 2023" and not "6th November, 2023". According to the Petitioner, this mistake has occurred

because initially the Petitioner and the said Shital were to get married on 21st May, 2023. However, Shital resides in Ireland and could not come down to India for the wedding. She came down only on 5th November, 2023 and got married on 6th November, 2023. In fact, on 21st May, 2023, the Petitioner himself was not in India and was in Germany. However, when they applied for their Marriage Certificate, it was done on the basis of the invitation card which reflected that the marriage took place on 21st May, 2023 and this is how the mistake has crept in.

3. The Petitioner has fairly stated that no fault can be found with the authorities and the mistake lay entirely on the doorstep of the Petitioner. It is in these circumstances that the Petitioner seeks the aforesaid correction. In support of the fact that the Petitioner and Shital got married on 6th November, 2023, what is produced before the Court is the invitation card at “Exhibit-F” showing that the marriage took place on 6th November, 2023. This apart, the Petitioner has also produced a copy of Shital’s passport which indicates that she was not in the country on 21st May, 2023 for her marriage to be solemnized with the Petitioner.

4. When the above matter had come up on 27th September, 2024, this Court was of the opinion that before it proceeds further in this writ petition,

it would be necessary for Shital to file an affidavit in this Court substantiating and/or agreeing with what the Petitioner has alleged in the above petition. In order to enable Shital to file this affidavit, we had directed that the matter be placed on board on 14th October, 2024. The matter had been moved before us today because Shital has now executed an affidavit in Dublin, dated 3rd October, 2024. A scanned copy of the said affidavit has been tendered to the Court today. The same is taken on record. It has been stated by the Learned Advocate appearing on behalf of the Petitioner that the original affidavit is on its way and will be filed in this Court as soon as it is received. The said statement is duly accepted.

5. We have perused the scanned copy of the affidavit executed by Shital. In this affidavit, Shital has confirmed that though the marriage was to be solemnized on 21st May, 2023, the same could not be done as she was not in the country and was postponed to 6th November, 2023. She has further confirmed that her marriage with the Petitioner was solemnized on 6th November, 2023 and was registered before the Marriage Registrar on 7th November, 2023. She has further stated in the affidavit that she is consenting for the change of date of her marriage. For the sake of convenience, the said affidavit is reproduced hereunder :

“I, Shital Namdeo Raut, Age : 30 years, Occupation : Service, having permanent address as : Room No. 305, Nagdarshan Apartment, Behind Jain Mandir, Lokmanya Pada No. 1, Thane-400606, currently residing at : 107, Blackhall Court, Blackhall Place, Dublin 7, D07 O702 state on solemn affirmation as under :

- 1. I state that I had a residence permit of Ireland issued on 05/05/2023 bearing No. R3220711 which was renewed on 30/05/2024 in Dublin Burgh Quay bearing No. R 1278563 which is expiring on 30/05/2026.*
- 2. I state that I married on 06/11/2023 with Mr. Dhiraj Tanaji Dalvi, i.e. the Petitioner herein at Vision Plaza Mundhwa-Manjari Road, Manjari Budruk, Pune in the presence of family members as per Hindu rights and rituals.*
- 3. I sate that the marriage was earlier to be solemnized on 21/05/2023. However, I could not travel back to India for my marriage. Thus, the marriage was postponed to 06/11/2023.*
- 4. I state that I came back to India on 05/11/2023. The marriage was solemnized on 06/11/2023 and was registered before the Marriage Registrar on 07/11/2023.*
- 5. I state that by our bonafide mistake, we had submitted the Marriage Card with the earlier decided date of 21/05/2023 instead of 06/11/2023.*
- 6. I state that I had already travelled back to Ireland and thus the Petitioner who is a student at Germany was stuck in India due to issue of wrong marriage date on the Marriage Certificate crating an objection while applying for Visa.*
- 7. I state that all the points mentioned by the Petitioner in the Petition for the request to change the date of the Marriage Certificate is true and correct and I give my consent to consent to change the date of marriage from 21/05/2023 to 06/11/2023.*

8. *I state that we have got married on 06/11/2023 and the date in the Marriage Certificate as 21/05/2023 is due to bonafide mistake and I am giving my consent under the above mentioned Writ Petition to the Petitioner to apply for such change in date of my behalf also.*

Whatever stated hereinabove is true and correct to the best of my knowledge and beliefs signed on this 3 day of October, 2024 at DUBLIN, IRELAND.

*Sd/- S.N. Raut
AFFIANT
SHITAL NAMDEO RAUT”*

6. The Learned Advocate appearing on behalf of the Respondents submitted that since this appears to be a genuine mistake, directions can be given to the Respondents to correct the date of the marriage of the Petitioner with Shital. He, however, submitted that there are certain formalities that will have to be completed before this correction/issuance of new Marriage Certificate is carried out. In this regard, he submitted that the Petitioner and the said Shital will have to fill out a fresh Form D -Memorandum of Marriage prescribed under Section 6 of the Maharashtra Regulation of Marriage Bureaus and Registration of Marriages Act, 1998 read with Rule 5 of the Maharashtra Regulation of Marriage Bureaus and Registration of Marriages Rules, 1999. He submitted that along with this fresh Form D, the Petitioner and the said Shital will also have to submit supporting documents showing that the marriage was solemnized on 6th November, 2023. This apart, the Learned Counsel also submitted that the Petitioner and the said

Shital will have to personally remain present before the authorities for the purposes of biometrics along with the witnesses. Once all this is done, the Respondents would then either correct and/or issue a fresh Marriage Certificate to the Petitioner and the said Shital reflecting the date of their marriage as “6th November, 2023”.

7. Having heard the Learned Counsel for the parties, and after having perused the papers and proceedings in the above writ petition and the affidavit filed by Shital dated 3rd October, 2024, we are of the view that the above writ petition can be disposed of by giving the following directions :

- a) The Petitioner and the said Shital shall execute a fresh Form D and submit the same to the authorities along with all other supporting documents. They shall also personally remain present before the authorities for the purposes of biometrics along with the necessary witnesses as required by the authorities.
- b) We are informed that the said Shital is coming to India on 16th November, 2024. We, therefore, direct that the Petitioner and Shital shall complete this exercise on 19th November, 2024. Once this entire exercise is completed, the Respondent Authorities shall issue either a corrected and/or a fresh Marriage Certificate to the

Petitioner and the said Shital reflecting the date of their marriage as “6th November, 2023”.

c) In the event, a fresh Marriage Certificate is issued, the old Marriage Certificate issued to the Petitioner shall stand cancelled. This entire exercise shall be done by the Respondent-Authorities within a period of two weeks after submission of all the necessary documents and other compliances required from the Petitioner and the said Shital.

d) The above Writ Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

e) Though we have disposed of the above writ petition, we now place it on Board for reporting compliance on **3rd December, 2024.**

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]