

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

264-A

CWP-5155-2024 (O&M)
Date of decision: 14.03.2024

Nishu

...Petitioner

VERSUS

State of Punjab and others

...Respondents

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

Present :- Mr. Deepak Arora, Advocate for the petitioner.

Mr. Aditya Sharda, DAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the instant petition is for directing respondents No.2 and 3 to register the marriage of the petitioner under the Hindu Marriage Act, 1955 and to issue a marriage registration certificate.

2. Learned counsel for the petitioner contends that the date of birth of the petitioner is 15.09.2001 and she is major. The petitioner had performed marriage with Kulwinder Singh son of Harbhajan Singh resident of Village Ghasitpur, Tehsil Mukerian, District Hoshiarpur on 27.10.2022 against the wishes of family members of the petitioner. Thereafter, she approached this Court by filing a petition for protection. He further contends that the husband of the petitioner had gone abroad in connection with the employment and the petitioner wants to join the company of her husband, she submitted an application along with necessary formats to the office of

Tehsildar, Hoshiarpur, for the purpose of registration of marriage, however, the said application was not considered on the ground that the marriage could only be registered provided both the parties appear before the Tehsildar in person along with their respective families. Learned counsel for the petitioner contends that the husband of the petitioner is abroad (Dubai) and it is not possible for him to appear in person only to justify his marriage and the said aspect can be duly verified by associating her husband through video conferencing.

3. Learned counsel for the petitioner has placed reliance on the judgment dated 09.03.2021 passed by a Division Bench of this Court in **LPA No.125 of 2021** titled as '**Ami Ranjan and another Vs. State of Haryana and another**'. In the above said case the Division Bench of this Court had taken cognizance of a proceeding that had emanated from an order passed by the Deputy Collector-cum-Marriage Officer, Gurugram, whereby an application for registration of marriage had been dismissed on account that there was no provision of registration of marriage under the Special Marriages Act, 1954, without the parties appearing in person before the Marriage Officer. While examining the said issue, the Division Bench of this Court allowed the said appeal and the following directions were given:-

“(i) Since the Marriage Officer had permitted appellant No.1- Ami Ranjan to file the application through video conference at the stage of first motion, he can now proceed to register the marriage after 30 days as per Section 16 of the Special Marriage Act, 1954.

- (ii) *Presence of appellant No.2-Misha Verma can be secured through video conferencing and she can appear before J.W. Ruby Memorial Hospital, at 1 Medical Center Drive, Morgantown, West Virginia 26505, United States at an appropriate date and time fixed in consultation with both Deputy Commissioner-cum-Marriage Officer and J.W. Ruby Memorial Hospital or the Indian Consulate/High Commission at 2107 Massachusetts Ave NW, Washington, DC 20008, United States.*
- (iii) *Three witnesses namely, (i) Vishwa Vijay Ranjan Prasad son of late Dineshwar Prasad (father of appellant No.1), (ii) Sh. Vibhav Bhusan son of Kul Bhushan (cousin brother of appellant No.1) or in the alternative Sh. Kumar Sambhava son of M.N. Prasad (Maternal Uncle of appellant No.1) and (iii) Sh. Vinay Gopal son of Madan Gopal Prasad (Maternal Uncle of appellant No.2-wife), can appear physically before the Registrar of Marriages/Marriage Officer. All the witnesses can produce their PAN cards/copies of ration cards/passports, as the case may be and shall appear along with appellant No.1-husband, before the Marriage Officer on the date of registration of marriage. The said witnesses shall verify with regard to their attendance in the marriage of the appellants.*

Appellant No.1 shall also produce other documentary evidence such as photographs, invitation cards etc. before the Registrar of Marriages/Marriage Officer.

(iv) On being satisfied that all the above requirements are fulfilled, Deputy Collector-cum-Marriage Officer, Gurugram/respondent No.2 will issue an order; make the necessary entries and issue the marriage certificate in the prescribed form to appellant No.1 (Ami Ranjan) and his wife appellant No.2-Misha Verma.”

4. Learned State counsel is not in a position to rebut the above said judgment passed by a Division Bench of this Court in case of **Ami Ranjan and another (supra)**.

5. The present writ petition is accordingly disposed of with a direction to respondent No.2-Tehsildar-cum-Registrar of Hindu Marriages, Hoshiarpur, to consider the application submitted by the petitioner in light of the judgment dated 09.03.2021 passed by a Division Bench of this Court in case of **Ami Ranjan and another (supra)** and to take an appropriate decision.

6. Let the needful be done within a period of 03 months of receipt of certified copy of this order.

(VINOD S. BHARDWAJ)
JUDGE

14.03.2024

Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No