

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-8001-2024 (O&M).
Date of Decision: 08.04.2024.

MANMEET SINGH

.. Petitioner

Versus

STATE OF U.T. CHANDIGARH AND OTHERS

... Respondents

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

Present: Mr. Jaswinder Singh Rana, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

1. Prayer in the instant petition is for directing respondent No.2 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 petitioner had performed marriage with Harpreet Kaur, resident of Ward No.13, Near Harkrishan Public School, Ajnala, District Amritsar, Punjab on 16.02.2024 at Sri Nirankari Darbar, Sector 21-B, Chandigarh. He further contends that thereafter the wife of the petitioner had settled at Canada and the petitioner wishes to join the company of his wife and therefore, he submitted an application along with necessary forms and other documents with the office of Sub-Registrar-cum-Tehsildar, Chandigarh, 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 wife of the petitioner is abroad (Canada) and it is not possible for her to appear in person only to justify her marriage and the said aspect can be duly verified by associating her wife 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 appellantNo.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 MassachusettsAveNW, Washington, DC20008, 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-Sub Registrar -cum-Tehsildar of Hindu Marriages, Union Territory, Chandigarh, 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.

April 08, 2024.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No