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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 14496/2025

SADAF

.....Petitioner

Through: Mr. Vikas Kumar Pandey,
Mr. Hemdeep Moran, Mr. Faiz Imam
and Mr. Dinesh Kumar Singh,
Advocates.

versus

GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Nitika Bhutani, Advocate (Panel
Counsel) for GNCTD (R-1 and R-2).

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

24.09.2025

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1. The present petition has been filed by the petitioner being aggrieved by the insistence of the respondents for the physical presence of the petitioner's husband for a second time for the purpose of registration of their marriage / *nikah* under the Special Marriage Act, 1954.
2. It is submitted that the marriage has already been solemnized and an application for registration of marriage was submitted online in accordance with the prescribed procedure. After securing appointment pursuant to submission of online application, the petitioner along with her husband visited the office of the respondent no.1 along with three witnesses.
3. It is submitted that all required documents, including proof of identity, address, age, photographs, *nikah nama* and affidavits were submitted to the concerned officer. However, the respondents are insisting on for the physical presence of the petitioner's husband, Mr. Irshad Balaydin, for a second



appearance after 15.10.2025.

4. It is submitted that the petitioner's husband had to travel back to his home country *i.e.*, Netherlands for the purpose of attending to pressing business and professional matters in Netherlands.

5. In the circumstances, the petitioner confines herself to seeking that her husband be allowed to appear before the concerned Authority virtually (through video-conferencing) rather than physically, for the purpose of completion of formalities for registration of marriage solemnized on 03.11.2024.

6. It is noticed that in similar situation, this Court, on previous occasions, permitted one of the parties to a marriage to appear virtually before the concerned Authority for the purpose of registration thereof under the Special Marriage Act, 1954. In this regard, specific attention is drawn to an order dated 09.05.2025 passed in W.P.(C) 5864/2025 titled as ***Faez Ahmed v. Govt. of NCT of Delhi & Ors.*** The same reads as under:

"1. The present petition has been filed by the petitioner seeking that the respondents, particularly the respondent no.2 be directed to allow the petitioner's wife, Ms. Sadia Sultana to appear via video conferencing for her second appearance in connection with the marriage registration process, already commenced before the Sub-Divisional Magistrate, South East District, Delhi.

2. Ms. Sadia Sultana, who appears virtually, submits that she came to India on 27.03.2025 and got married to the petitioner on 04.04.2025. It is submitted that she and the petitioner complied with the first procedural requirement for marriage registration by appearing before the SDM on 09.04.2025. It is submitted that she is a student of Master of Counselling at Monash University, Australia. Due to resumption of classes, she had to return to Australia on 13.04.2025. It is submitted that in view of the aforesaid circumstances she is unable to be physically present for the second visit scheduled on 12.05.2025.

3. In the circumstances, it is sought that she be allowed to appear via video conferencing for the second appearance, as required for the marriage



registration process.

4. Learned counsel for the petitioner relies upon a judgment of this Court in *Reena Chada & Anr. v. Govt. of NCT of Delhi* 2021 SCC OnLine Del 4336, wherein this Court has held as under:

“25. Thus, looked at from any angle, I have no hesitation in coming to the Order has to be read to include presence secured through Video Conferencing. Any other interpretation, would not only frustrate the very purpose of this beneficial legislation, but, it would also undermine the use of this important and easily accessible tool of Video Conferencing. The same would also be against the ratio of the decision of the Supreme Court in Praful B. Desai (Supra) in which the Court while observing that Video Conferencing permits one to see, hear and talk with someone far away with the same ease as if he/she is physically present, had allowed the recording of evidence in a criminal trial through Video Conferencing.

26. For the aforesaid reasons, the writ petition is entitled to succeed and is accordingly allowed. It is directed that the parties seeking registration of their marriage under the Registration Order, will be entitled to submit a physical copy of their application through their attorney and also enter personal appearance, as and when required through Video Conferencing, which application would be duly processed by the registering authority, subject to submission of duly notarized copies of all relevant documents before the authority physically and fulfilling all other procedural requirements.

Petitioner relied upon the above-mentioned case law to persuade the Respondent no.2 to allow the Respondent No.3 to appear virtually for the subsequent date of marriage registration. However, the plea for virtual appearance of Respondent no.3 was denied and the Petitioner was advised to seek special court order from registration through Video Conferencing.

In pursuance of justice, the petitioner fervently implores this Hon'ble court to exercise its wide discretionary power and allow the Respondent No.3 to virtually appear for the marriage registration.”

5. The above decision has been followed in a subsequent order dated 13.11.2024, passed in *Asher Ahmed vs. Govt. of NCT of Delhi*, W.P.(C) 15772/2024, which reads as under:



“1. Petitioner and Respondent No. 3 got married according to Islamic rites and ceremonies on 22nd October, 2007. Respondent No. 3 relocated to Canada for better education of her daughters and to advance their career. Subsequently, on 22nd October, 2024, Respondent No. 3 submitted an application on the online portal of Revenue Department, GNCTD for registration of their marriage before the Sub-Divisional Magistrate, Defence Colony, New Delhi, in compliance with the Delhi (Compulsory Registration of Marriage) Order, 2014.

2. It is stated that on 25th October, 2024, Petitioner appeared before the SDM, however, in absence of Respondent No. 3, the SDM declined to proceed with their application.

3. In the above background, Petitioner asserts that he shall appear physically before the SDM on the date specified, however, since Respondent No. 3 is unable to undertake travel for the purpose of registration of their marriage, she may be permitted to join the proceedings through videoconferencing mechanism.

4. The Court has considered the facts and contentions urged by the parties. The attention of this Court has been drawn to the decisions of this Court in Madiha Shariq and Another v. Govt. of NCT of Delhi and Anr and Reena Chadha & Anr. v. Govt. of NCT of Delhi whereby this Court in similar circumstances, has allowed appearance of parties through videoconferencing mechanism, subject to certain conditions.

5. In light of the above, the present petition is disposed of with the following directions:

(a) Respondent No. 3 is permitted to join the proceedings before the SDM, Defence Colony, New Delhi for the purpose of registration of marriage through the video-conference mechanism, however, Petitioner shall be present physically before the SDM.

(b) The witnesses, as required under the Delhi (Compulsory Registration of Marriage) Order, 2014, shall appear physically before the SDM, Defence Colony, New Delhi along with their original ID proofs, on the date specified.

6. With the above directions, the present petition along with pending application is disposed of.”

6. Learned counsel for the respondent, while opposing the present petition, submits that in case the Court is inclined to afford the same dispensation to



the petitioner, as was afforded vide order dated 13.11.2024 in W.P.(C) 15772/2024, the directions of the Court would be complied with by the concerned respondent.

*7. In view of the above, keeping in mind the decision of this Court in **Reena Chada & Anr. v. Govt. of NCT of Delhi** (supra), **Madiha Shariq and Another v. Govt of NCT of Delhi and Anr. W.P. (C) 9768/2022** and **Asher Ahmed vs. Govt. of NCT of Delhi** (Supra), it is directed as under:*

(a) Respondent no.3 is permitted to join the proceedings before the concerned SDM, for the purpose of registration of marriage through the video-conference mechanism, however, petitioner shall be present physically before the SDM.

(b) The witnesses, as required under the Delhi (Compulsory Registration of Marriage) Order, 2014, shall appear physically before the concerned SDM along with their original ID proofs, on the date specified.

8. The petition is disposed of in above terms.”

7. In the circumstances, in line with the directions passed in the aforesaid case, as also in the case of **Madiha Shariq and Another v. Govt of NCT of Delhi and Anr.**, W.P. (C) 9768/2022 and **Asher Ahmed vs. Govt. of NCT of Delhi**, W.P.(C) 15772/2024, the following directions are issued:

- a) The petitioner's husband is permitted to join the proceedings before the concerned SDM for the purpose of registration of marriage through video conferencing, however, the petitioner shall be present physically before the SDM;
- b) The witnesses, as required under the Delhi (Compulsory Registration of Marriage) Order, 2014, shall appear physically before the concerned SDM along with their original ID proofs, on the date specified;
- c) For the aforesaid purpose, the SDM shall fix a date within a period of 15 days from today under intimation to the petitioner; and



- d) The application for registration of marriage shall be processed and dealt with by the concerned SDM on its merits and in accordance with law.
8. The petition is disposed of in the above terms.

SACHIN DATTA, J

SEPTEMBER 24, 2025/r