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**(2000) 09 P&H CK 0103**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : Civil Writ Petition No. 7181 of 2000**

Reena Kumari

APPELLANT

Vs

State of Punjab

RESPONDENT

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**Date of Decision :** 08-09-2000

**Acts Referred:**

**Citation :** (2001) 1 Marr.LJ 261 : (2001) 1 Marr.LJ 2 : (2000) 4 RCR(Civil) 438

**Hon'ble Judges :** R.L.Anand, J

**Advocate :** Mr. J.S. Nanda, Advocate., Advocates for appearing Parties

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## Judgement

R.L. Anand, J.

1. Smt. Reena Kumari wife of Manfred Trittel has filed the present writ petition under Articles 226/227 of the Constitution of India and has prayed for the issuance of a writ in the nature of certiorari for the quashment of letter/order dated 15.5.2000 (Annexure P4) passed by the Deputy Commission, Amritsar. The petitioner has further prayed that direction be given to respondent No. 2 to countersign the marriage certificate (Annexure P3), which was issued by the Registrar of Marriages, Amritsar, as per the instructions dated 22.2.1989 (Annexure P2) issued by the State Government.

2. The case set up by the petitioner is that she is an Indian citizen by birth and she married with Manfred Trittel, a German citizen, who before entering into the marriage with her adopted Hinduism and as such the parties were Hindu at the time of marriage. Since the parties were Hindus, therefore, they married with each other in Gurdwara Sahib according to Sikh rites on 3.9.1999. Thereafter they applied to the Registrar of Marriages, who registered the marriage of the parties and issued certificate Annexure P1. Since the husband of the petitioner original hails from Germany and she has to join the matrimonial home of her husband in Germany, she made an application before the Deputy Commissioner, Amritsar to countersign the marriage certificate issued by the Registrar of Marriages as per the instructions of the State Government, but he has refused to put countersignature on the plea that the husband of the petitioner is a German

citizen and is not a Hindu, therefore, the marriage of the petitioner with Manfred Trittel is not in accordance with the provisions of Section 2 of the Hindu Marriage Act.

3. Notice of the writ petition was given to the respondents, who filed the reply and denied the allegations. The stand taken up by the respondents was that there was no legal marriage between the petitioner and her husband Manfred Trittel.

4. We have heard the learned counsel for the parties and with their assistance have gone through the record of the case.

5. Section 1(2) of the Hindu Marriage Act, 1955 lays down that this Act shall extend to the whole of India except the State of Jammu and Kashmir, and applies also to Hindus domiciled in the territories to which this Act extends who are outside the said territories. Section 2 of the Act further lays down that this Act applies to any person who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj. According to Section 5, marriage may be solemnized between any two Hindus, if they fulfil the requirements of that Section.

6. The sole point for determination in this case would be whether Mr. Manfred Trittel was a Hindu at the time of his marriage with Reena Kumari or not. It is true that Manfred Trittel hailed from Germany and he was a German citizen. But in para No. 3 of the writ petition the petitioner has made a categorical allegation that her husband adopted her religion before his marriage with her. This part of the allegation of the petitioner has not been specifically denied by the respondents. It is a settled principle of law that in order to adopt Hinduism no special ceremony is required to be performed.

7. In this view of the matter, we allow this writ petition by striking down the order (Annexure P4) dated 15.5.2000 and give directions to respondent No. 2 to countersign the marriage certificate (Annexure P3) issued by the Registrar of Marriages, Amritsar within 8 days from the receipt of the copy of the order.

8. It is stated at the Bar by the learned counsel for the petitioner that the original marriage certificate is in the custody of respondent No. 2.

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