

(2005) 04 SC CK 0042

In the Supreme Court Of India

Case No : Transfer Petition (Civil) No. 291 of 2005

Seema

APPELLANT

Vs

Ashwani Kumar

RESPONDENT

Date of Decision : 15-04-2005

Acts Referred:

Citation : (2005) 119 DLT 751 : (2005) 11 JT 97 : (2005) 4 SCC 443 : (2005) 3 SCR 649

Hon'ble Judges : S. H. Kapadia, J;Arijit Pasayat, J

Bench : Division Bench

Advocate : Balraj Dewan, for the Appellant;

Final Decision : Allowed

Judgement

1. Issue notice.
2. Issue notice on the application for ex-parte stay also.
3. There shall be interim stay of proceedings in Matrimonial Suit No. 104 of 2004 entitled Ashwani Kumar v. Seema, pending before Learned Addl. District Judge, Delhi.
4. During the hearing of this petition, it appeared to us that in the absence of records relating to dates of marriages and parties to the marriage, problems come up which have far-reaching consequences. We, therefore, request learned Solicitor General to consider whether Government orders by way of executive instructions can be issued, on the basis of directions of this Court, to various States and Union Territories to authorise officials specifically to keep record of marriages so that they can be placed as evidence in different proceedings if the necessity arises. Learned Solicitor General submitted that there may be necessity of a suitable legislation in this regard as the Government Orders/executive instructions may not suffer. We are of the view that until a suitable legislation is made, the Government Orders/executive instructions can be made enforceable in terms of the orders of this Court. These may be implemented where there is no

statutory prescription for recording/registering the marriage, and may be done as an additional measure when there is any such prescription.

5. We have also requested Mr. Ranjit Kumar, Sr. Adv. to assist us in this matter. If learned Solicitor General feels, if so advised, he may require the State Governments and the Union Territories to place their views in this regard before him and this Court so that appropriate directions can be issued. A copy of our order be handed over to learned Solicitor General and Mr. Ranjit Kumar, Sr. Adv. for necessary steps in this matter.