
(2001) 07 PAT CK 0052
In the Patna High Court
Case No : C.W.J.C. No. 7992 of 2001

Spriha Singh

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 18-07-2001

Acts Referred:

Hindu Marriage Act, 1955 — Section 8

Citation : (2001) 3 BLJR 1714 : (2001) 3 PLJR 581

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Judgement

Radha Mohan Prasad, J.—In this writ petition, the prayer is to direct the Marriage Registrar, Registration Office, Patna (Respondent No. 3) to register the marriage of the petitioner with Sri Ramdular Singh which was performed according to Hindu Customs and rites.

2. A supplementary affidavit on behalf of the petitioner has been filed today.

3. It is submitted by Mr. Mishra, learned Counsel appearing for the petitioner that under similar circumstances the Marriage Officer, Patna granted certificate with respect to the marriage of Tulika Singh, D/o Sri Kedar Nath Singh, who was married to Rajesh Singh, S/o Sri Lall Narayan Singh, a photo copy of the said certificate has been annexed as Annexure-3.

4. Learned Counsel for the State has, however, submitted that the registration of such marriages are done u/s 8 of the Hindu Marriage Act and for the said purpose the State Government is required to make rules providing that the parties may have the particulars relating to their marriage entered in such manner and subject to such condition as may be prescribed in a Hindu marriage register kept for the purpose. It is submitted that as no Rule has been framed by the State Government, Respondent No. 3 was unable to register the marriage.

5. this Court falls to appreciate as to why the State Government has not framed Rules u/s 8 on account of which the parties who want their marriages to be

registered are deprived of the same despite there being specific provision under the Hindu Marriage Act, 1955 and causes unnecessary harassment to them for various purpose including grant visa, etc. Accordingly, this Court directs the State Government to take all necessary steps for framing of Rules expeditiously and the Rules so framed be placed before the State Legislature under Sub-section (3) of Section 8 of the said Act within two months.

6. However, considering the urgency of the matter learned Counsel for the State fairly submitted that there cannot be any objection in issuing a similar certificate as was granted for the marriage of Tulika Singh with Rajesh Sinha, contained in Annexure-3. Accordingly, this Court directs that an affidavit sworn by the father of the petitioner along with the application and a copy of this order shall be filed with respect to the marriage in question before Respondent No. 3 whereupon Respondent No. 3 shall issue similar certificate as was granted for the marriage of Tulika Singh with Rajesh Sinha, contained in Annexure-3-within a week of the receipt of the application.

7. As prayed by learned Counsel for the State, let a copy of this order be supplied to him for necessary compliance.