

SEEMA  
v.  
ASHWANI KUMAR

APRIL 15, 2005

[ARIJIT PASAYAT AND S.H. KAPADIA, JJ.]

*Family Law :*

*Record of marriages—Dates of marriages and parties to marriage—  
Record of—To be kept by official to be authorised by State Government—  
Necessity of Legislation—Court suggesting State Governments to consider  
issuing of executive instructions which may be made enforceable in terms of  
orders of Supreme Court, till suitable legislation in this regard is made—  
Legislation—Necessity of—Suggested.*

CIVIL ORIGINAL JURISDICTION : Transfer Petition (C) No. 291 of 2005.

Balraj Dewan for the Petitioner.

The following Proceeding/Order of the Court was delivered :

ORDER

Issue notice.

Issue notice on the application for ex-parte stay also.

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.

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

- A 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 Order/executive instructions can be made enforceable in terms of the orders of this Court. These may be implemented
- B 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.

- C We have also requested Mr. Ranjit Kumar, Sr. Adv. to assist us in this matter. If learned Solicitor General feels and if so advised, he may require the State Governments regard 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.

R.P.

Notice issued.