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

+ **W.P.(C) 11685/2024**

FAIZAN AYUBI & ANR.

.....Petitioners

Through: Mr. M. Sufian Siddiqui, Mr. Rakesh Bhugra, Md. Niyazuddin and Ms. Alya Veronica, Advocates.

versus

THE GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Udit Malik, ASC with Mr. Vishal Chanda, Advocate for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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23.08.2024

CM APPL. 48547/2024 (seeking exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Petitioners shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

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4. Petitioners solemnised their marriage on 11th October, 2023, in accordance with Islamic Sharia Law. Since the couple intended to travel abroad, they sought to register their marriage as per legal requirements as it is a pre-condition for grant of visas to certain countries. In such circumstances, in absence of an effective online mechanism for registration of such a marriage solemnised under Muslim Personal Laws under the Delhi



(Compulsory Registration of Marriage) Order, 2014, Petitioners were constrained to register their marriage under the Special Marriage Act, 1954¹.

5. Subsequently, on account of irreconcilable differences and an irretrievable breakdown of their marriage, the Petitioners executed a *Mubarat Nama* on 09th July, 2024, which is a form of divorce by mutual consent recognised under Islamic law. At that stage, the Petitioners realised that on account of the official registration of their marriage under the SMA, dissolution of their marriage would entail certain legal consequences. As such, they approached the Family Court, Saket seeking dissolution of marriage under Section 28 of SMA. However, considering the legal complication that has arisen on account of their marriage registration under the SMA, the said petition had to be withdrawn. Accordingly, they have approached this Court under Article 226 of the Constitution of India, 1950, seeking quashing of the Marriage Registration Certificate dated 15th May, 2024, effectuated by Respondent No. 2 i.e., SDM Defence Colony/Marriage Officer, under the SMA.

6. That apart, the Petitioners also highlight a judgment of this Court delivered on 04th July, 2024² directing the Marriage Branch of the Revenue Department, GNCTD to implement the process for facilitating the registration of marriages solemnised under Muslim Personal Laws under the Delhi (Compulsory Registration of Marriage) Order, 2014 on the Delhi Government marriage registration online portal. It has been pointed out by the Petitioners that the directions in the said judgment have not been implemented till date.

¹ “SMA”

² W.P.(C) 9348/2023 titled *Sh. Rehan Elahi & Anr. v. Govt of NCT of Delhi & Anr.*



7. Issue notice. Mr. Udit Malik, ASC, accepts notice on behalf of Respondents.
8. Let status report be filed within four weeks from today. Rejoinder thereto, if any, be filed on or before the next date of hearing.
9. Re-notify on 01st October, 2024.

AUGUST 23, 2024
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SANJEEV NARULA, J