

IN THE HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR

(THROUGH VIRTUAL MODE)

CM No.1948/2020
In WP(C) No.888/2020
CM No.1949/2020

Mushada Ali & anr. ...Petitioner(s)

Through: Mr. Mansoor A. Mir, Advocate

Vs.

Union Territory of J&K & ors. ...Respondent(s)

Through:

CORAM: Hon'ble Mr. Justice Sanjay Dhar, Judge
(Through Video Conference from residence at Jammu)

(ORDER)
04.06.2020

CM No.1948/2020

Instant application seeking extension of time for annexing/depositing the requisite court fee with the writ petition, in view of the grounds urged therein, is allowed. The petitioners shall deposit the requisite court fee with the Registry of this Court within a period of one week from the date of lifting of lockdown on account of COVID-19 by the Government.

CM is disposed of.

WP(C) No.888/2020
CM No.1949/2020

1. The petitioners seek a direction upon official respondents to provide them the police protection as they apprehend danger to their lives from the parents and relatives of petitioner no.1. It is submitted that the petitioners are major and that they have entered into wedlock out of their free will and volition. It is contended that because the petitioners have contracted the marriage against the wishes of private respondent No.5, as such, they are facing harassment at hands of relatives of petitioner no. In order to buttress the assertions made in the writ petition, the petitioners have placed on record copies of date of birth certificate of petitioner No.1, AADHAR

Card, University I Card, Electoral Cards, Nikah Nama, marriage agreement and an affidavit.

2. Learned counsel for the petitioners refers to the decisions of the Supreme Court in *Lata Singh v. State of U.P. and anr. 2006 (5) SCC 475*, *Shakti Vahini v. Union of India* and also the decision of Allahabad High Court in *Neha & anr. V. State of UP*, and submitted that in absence of there being any legal impediment, the petitioners are entitled to enter into wedlock as per their choice and the official respondents are duty bound to protect their life and liberty.

3. Perusal of the record annexed with the writ petition reveals that the petitioners are major and they have contracted the marriage according to Muslim Personal Law, rites and customs. Any person having attained the age of majority is entitled to contract the marriage as per his/her wishes and the police is duty bound to protect the life and liberty of such persons. Hence a case is made out for grant of interim relief in favour of the petitioners.

4. Issue notice to the respondents returnable within two weeks. Meanwhile, subject to objections from the other side and till next date before the Bench, the official respondents are directed to provide adequate protection to the petitioners in accordance with the law laid down by the Supreme Court in *Lata Singh v. State of U. P. (2006) 5 SCC 475*.

List again on 25th of June, 2020.

Copy of this order be furnished to the learned counsel for the petitioners through e-mail.

(Sanjay Dhar)
Judge

Srinagar
04.06.2020
"Bhat Altaf, PS"

