

**Sudha Rani Agarwal Vs. Marriage Officer on Duty and ors.**

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**Court :** Delhi

**Decided On :** Sep-04-1992

**Reported in :** 1992(24)DRJ294

**Judge :** G.L. Mittal, J.

**Acts :** [Foreign Marriage Act, 1969](#) - Sections 17; [Special Marriage Act, 1954](#) - Sections 16

**Appeal No. :** Civil Writ Appeal No. 2926 of 1992 and Civil Miscellaneous Appeal No. 5471 of 1992

**Appellant :** Sudha Rani Agarwal

**Respondent :** Marriage Officer on Duty and ors.

**Advocate for Pet/Ap. :** C.B. Singh,; Ajay Aggarwal and; Meena Chaudhary, Advs

**Judgement :**

**G.L. Mittal, J.**

(1) Respondents No. 2 and 3 are present in Court in person. Both of them are of the age that they can marry and there is no prohibition of marriage. When we issued show cause notice it was argued that under the [Special Marriage Act, 1954](#) , that marriage of citizens of India domiciled in the territory would be subject to the registration and since respondent No. 2 is an Afghan citizen the marriage cannot

be registered by the Marriage Officer.

(2) Learned counsel for the petitioner has not been able to show any provision of law under which it is necessary that a person who wants to get married under the [Special Marriage Act, 1954](#) must be a citizen of India. On the other hand the learned counsel for respondents No. 2 and 3 has invited our attention to a judgment of Kamataka High Court in the case of Vatsala & another v. Sub Registrar & Marriage Officer, 1981 (1) Dmc 276 wherein it was held that there is no prohibition under the Special Marriage Act. 1954 read with Foreign Marriage Act. 1969 of a marriage between an Indian with a foreign national. Accordingly, we dismiss the writ petition, dusty.

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