

IN THE COURT OF THE CIVIL JUDGE, SENIOR DIVISION, DAMAN

(Presided over by Jaywant C. Yadav, Civil Judge, Sr.Dn., Daman)

Civil Misc. Application No.68/2019.
[CNR NO.UTDD01-000388-2019]

1. Shri. Chandrakant Dhirubhai Damania,
S/o. Dhirubhai Chhipkabhai Damania,
aged about 59 years, Occupation:
Service.
 2. Smt. Parita Moan,
D/o. Moan Faquir, W/o. Chandrakant
Dhirubhai Damania, aged about 44
years, Occupation: Housewife.
- Both resident of Motegam Sheri,
Nani Daman, Daman.
-Applicants.

V/s.

The Civil Registrar,
Office of the Civil Registrar,
Daman

.....Opponent.

**Application under Article 3 read with
Article 97 of Civil Registration Code
for declaration for Change of Date In
Marriage records of the Applicants
Registered Before the Civil Registrar
of Daman Under Entry No.53/2012
Dated 17/02/2012.**

O R D E R

BELOW EXH.1

(Delivered on 24/04/2019)

This application is filed by the applicants under Article
3 read with Article 97 of Civil Registration Code for change of date
in marriage record of the applicants.

(2) The applicants No.1 and 2 are husband and wife. They married on 24/03/1998 and out of said wedlock they have one child.

(3) Both the applicants belong to Hindu Community and their marriage performed according to Non-Christian Inhabitants and other ceremonies in presence of their family members and community members. The applicants did not register their marriage in the year 1998 with the Sub-Registrar office.

(4) The applicants have applied to Sub-Registrar in the month of February 2012 for registration of their marriage. Their marriage was registered under entry No.53/2012, but the date of their marriage was mentioned as 17/02/2012. The applicants have contended that their marriage in fact took place on 24/03/1998. However, wrongly the date of marriage is mentioned as 17/02/2012 instead of 24/03/1998.

(5) Their marriage duly registered in their community institute namely Shree Machhi Mahajan, Nani Daman. It is further contended that the children are born out of the said marriage in the year 1999 and he is the part of their family. Due to the wrong date of registration the children of the applicants have become illegitimate, and therefore, in order to legitimate the children it is just and necessary to correct the date of their marriage as 24/03/1998.

(6) Under Article 3 of the Civil Registration Code all acts or facts regarding to the Civil Status of the person shall be inscribed

or entered in the Marriage Registration Book and as such it is necessary to mentioned the real marriage date of their marriage in the record of marriage registration Register, hence, this application is filed by the applicants for directing the Civil Registrar, Daman to correct the date of marriage.

(7) The notice was issued to the opponent. Even after service of notice, the opponent failed to appear. Hence, the application proceeded ex-party against them.

(8) The applicant No.1 has given evidence in support of its application and relied upon the documents filed at Exh.3 and Exh.6 and Exh.7 the birth certificates of the applicants No.1 and 2, birth certificate of child at Exh.8 and Exh.9 marriage certificate issued by President of namely Shree Machhi Mahajan, Nani Daman, and Exh.10 certificate of marriage issued by the Civil Registrar, Daman.

(9) The notice was issued to Sub-Registrar but nobody has attended the matter and also not filed reply. Therefore, by recording the evidence of the parties, I come to the conclusion that there is sufficient proof produced by the applicants that they got married on 24/03/1998 and the children are born thereafter. However, their marriage is appears to be registered in 2012 due to which the question of legitimacy of children has arose. Therefore, in the interest of justice, I inclined to allow this application and proceed to pass the following order:-

ORDER

- (I) The Civil Registrar, Daman is hereby directed to make the entry of the actual date of marriage of the applicants i.e. 24/03/1998 instead of 17/02/2012 in the margin of Marriage Register under the Entry No.53/2012.
- (II) The application is disposed of accordingly.

Daman.

Dated: 24/04/2019.

(Jaywant C. Yadav)
Civil Judge (Sr. Dn.),
Daman

CERTIFICATE

I affirm that the contents of this P.D.F. File order are same,
word to word, as per the original order.

Name of Employee	Santosh R. Khapekar
Designation	Stenographer (L.G.)
Name of Court	Civil Judge Sr. Dn. & C.J.M., Daman.
Date of order	24/04/2019.
Order signed by the Presiding Officer on	24/04/2019.
Order uploaded on	24/04/2019.