

IN THE COURT OF THE CIVIL JUDGE, SENIOR DIVISION, DAMAN
(Presided over by A. P. Kokate, Civil Judge, Sr.Dn., Daman)

Civil Misc. Application No. 35/2020.
[CNR NO. UTDD01-000268-2020]

1. Rajendrakumar Bhagubhai Patel,
aged 47 years, Hindu,
Son of Bhagubhai Dahyabhai Patel and
Champaben Bhagubhai Patel,
Resident of 233, Amaliya Falia,
Dabhel, Nani Daman. }Applicants.

2. Pratima Amrat,
aged 35 years, Hindu
Wife of Rajendrakumar Bhagubhai Patel,
and Daughter of Amrat Daia
and Kamala Bhagwan,
Resident of 101/3, Palhit, Bhathaiya,
Damanwada, Moti Daman.

V/s.

The Civil Registrar,
Office of the Civil Registrar,
Daman }Opponent.

Application under Article 3 read with Article
97 of the 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.239/2015 Dated 20/06/2015.

O R D E R
BELOW EXH.1
(Delivered on 06/07/2020)

- (1) The present application has been filed by the applicants under Article 3 read with Article 97 of Civil Registration Code for change of date in the marriage record of the applicants.

(2) They have contended that applicants Nos.1 and 2 are husband and wife. They got married on 29/12/2002 and out of the said wedlock they have two children. Both the applicants belong to Hindu Community and their marriage was performed according to Non-Christian Inhabitants and other ceremonies in the presence of their family members and community members. However, applicants had not registered their marriage in the year 2002 with the Sub-Registrar office.

(3) The applicants applied to the Sub-Registrar in the month of June 2015 for registration of their marriage. Their marriage was registered vide entry No.239/2015. However, the date of their marriage was mentioned as 20/06/2015. The applicants have contended that their marriage in fact took place on 29/12/2002. The date of marriage is mentioned as 20/06/2015 instead of 29/12/2002 erroneously. Their marriage was duly registered in their community institute namely Shree Daman Jilla Koli Samaj, Daman. It is further contended that the children are born out of the said marriage between the year 2003 to 2006 and they are 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 set the record straight, it is just and necessary to correct the date of their marriage as 29/12/2002.

(4) 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 mention the real marriage date of the applicants in the record of marriage registration Register. Hence, the present application is filed by the applicants seeking directions to the Civil Registrar, Daman to correct their date of marriage.

(5) Notice was issued to the opponent. However, even after service of notice, the opponent failed to appear. Hence, the application proceeded ex-parte against them.

(6) Applicant No.1 has given evidence in support of the application and relied upon the documents filed along with the list at Exh.3. Exh.6 and Exh.7 are the Birth Certificates of applicants Nos.1 and 2. Birth Certificate of their child is at Exh.8 and Exh.9. The Marriage Certificate issued by President of Shree Daman Jilla Koli Samaj, Daman is at Exh.10. The Certificate of Marriage issued by the Civil Registrar, Daman is at Exh.11.

(7) Notice was issued to Sub-Registrar, however, nobody has attended the matter and did not file any reply. Therefore, based on the evidence before the Court and the documents on record, I have arrived

at the conclusion that there is sufficient proof produced by the applicants that they got married on 29/12/2002 and the children are born thereafter. However, their marriage is appears to be registered in 2015 due to which the question of legitimacy of children has arisen. Therefore, in the interest of justice, I am 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. 29/12/2002 instead of 20/06/2015 in the Marriage Register under the Entry No.239/2015.
- (ii) The application is disposed of accordingly.

Daman.

Dated: 06/07/2020.

(A. P. KOKATE)
Civil Judge Senior Division,
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	06/07/2020.
Order signed by the Presiding Officer on	06/07/2020.
Order uploaded on	06/07/2020.