

## Courts cannot annul marriage of adults: SC

A Bench, led by Chief Justice Dipak Misra, defined the limits of the court's jurisdiction in the Hadiya case. Ms. Hadiya, a 26-year-old homoeopathy student, had converted to Islam and then married a Muslim.

"Can a court say a marriage is not genuine or whether the relationship is not genuine? Can a court say she [Hadiya] did not marry the right person? She came to us and told us that she married of her own accord," Justice D.Y. Chandrachud observed.

The Kerala High Court had annulled Ms. Hadiya's marriage to Shafin Jahan, calling it a "sham". Her father, Asokan K.M., alleged that she had been indoctrinated by a "well-oiled network," involved in recruiting Indian citizens and trafficking them abroad. "She said on the telephone to her father that she wants to go to Syria to rear sheep. There may be fathers who receive such news with calm and fortitude, but this father was alarmed," senior advocate Shyam Divan, appearing for Mr. Asokan, addressed the Bench.

Justice D.Y. Chandrachud countered that if there was trafficking of citizens involved, the government had the power to stop it on the basis of credible information. If citizens were travelling abroad to be part of a manifest illegality, then too, the government had the authority to stop them.

"But in personal law, we cannot annul marriages because she did not marry the right person," Justice Chandrachud asked Mr. Divan.

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