

## ‘ARYA SAMAJ CERTIFICATES NOT PROOF OF MARRIAGE’

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

The Allahabad High Court has recently dismissed a *habeas corpus* petition filed by a man to get back his wife. The petitioner has submitted a marriage certificate issued by an Arya Samaj temple as a proof.

But the court said Arya Samaj societies misuse beliefs in organising marriages, without even considering the genuineness of documents.

Since the marriage was not registered, it cannot be deemed that the parties are married only on the basis of the said certificate, the court observed.

Dharam Veer Singh, who represented the petitioner, has placed reliance upon a certificate issued by the Arya Samaj Mandir, Ghaziabad and a certificate of registration of marriage as well as certain photographs.

The High Court maintained that it was flooded with the marriage certificates issued by Arya Samaj societies which have been seriously questioned by this court and other High Courts.

The government counsel has submitted a first information report (FIR) lodged by the woman's father.

The Bench of Justice Saurabh Shyam Shamschery said the petitioners had other remedies available under criminal and civil laws. Hence, the present writ petition for *habeas corpus* was not maintainable.

“Also, *habeas corpus* is a prerogative writ and an extraordinary remedy. It cannot be used as a right,” said the court, dismissing the petition.

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