



2026:DHC:8504-DB



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Reserved on: 05.08.2026

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Judgment Delivered on: 30.09.2026

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CNR No. DLHC010353682026

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W.P.(C) 10993/2026

SEJAL GANDHI (THROUGH DULY CONSTITUTED SPA,
SHRI PANKAJ GANDHI)Petitioner

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI & ORS.Respondents

Advocates who appeared in this case

For the Petitioner : Ms. Shasha Jain, Advocate.

For the Respondents : Mr. Mohit Agarwal, Panel Counsel
with Mr. Prerak Khurana, Advocate.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

JUDGMENT

TEJAS KARIA, J

1. The present Writ Petition has been preferred by the Petitioner under Article 226 of the Constitution of India, 1950 ("**Constitution**"), challenging the Revenue Department Guidelines ("**Impugned Guidelines**") issued by Respondent No. 1 - Government of National Capital Territory of Delhi ("**GNCTD**") and the Delhi (Compulsory Registration of Marriage) Order, 2014 ("**Registration Order**"). The Petitioner, *inter alia*, prays for:



- (i) a declaration that the eligibility conditions contained in the Impugned Guidelines, insofar as they require at least one spouse to be an Indian citizen having permanent residence within the territorial jurisdiction of the concerned Marriage Officer for registration under the Hindu Marriage Act, 1955 (“**HMA**”), are invalid, liable to be read down, or otherwise inoperative;
- (ii) quashing or reading down of the citizenship-based eligibility conditions under the Registration Order as arbitrary, discriminatory, and contrary to the object of compulsory registration of marriages;
- (iii) directions to GNCTD to carry out consequential amendments to the applicable guidelines, forms, administrative instructions, and online marriage-registration portal so as to facilitate registration of marriages in accordance with law;
- (iv) modification and operationalisation of the online portal to enable foreign nationals, Overseas Citizen of India (“**OCI**”) card holders, persons of Indian origin, and other similarly situated applicants to initiate, submit, and complete applications without being confined to Aadhaar-based authentication;
- (v) framing of a uniform Standard Operating Procedure for applicants residing outside India or otherwise unable to remain physically present before the registering authority, including provision for duly authorised Special Power of Attorney holders, appearance through video conferencing, and alternative modes of identity verification; and
- (vi) a direction to the concerned authorities to facilitate and complete registration of the Petitioner’s marriage, stated to have been



solemnised in Delhi according to Hindu rites and ceremonies, without compelling her to seek registration under Chapter III of the Special Marriage Act, 1954 (“SMA”).

FACTUAL MATRIX

2. The Petitioner is a citizen of Sweden, holding Swedish Passport bearing No. A44320868 and an OCI Card bearing No. A4983914 and residing at Stockholm, Sweden. The Petitioner solemnised her marriage with Mr. Andreas Michael Herman, who is also a citizen of Sweden, on 14.03.2026.

3. It is the Petitioner’s case that Mr. Herman had embraced the Hindu faith prior to the solemnisation of the marriage on 14.03.2026 at Arya Samaj Mandir, Bhera Enclave, Maharishi Dayanand Park, Paschim Vihar, New Delhi, in accordance with Hindu rites, customs and ceremonies, in the presence of their respective family members, relatives and friends. The Petitioner asserts that the substantive conditions prescribed under the HMA stood duly satisfied.

4. Upon solemnisation of the marriage, Arya Samaj Mandir issued a Marriage Certificate dated 14.03.2026 (“**Marriage Certificate**”), certifying the marriage between the Petitioner and her husband.

5. During March-April 2026, the Petitioner sought to register her marriage through the online marriage-registration portal maintained by the Respondents. The said attempt was unsuccessful, as the portal permitted access only through Aadhaar-based authentication and did not provide any mechanism for registration of marriages involving foreign nationals or holders of OCI Cards. It was while pursuing such registration that the



Petitioner became aware of the eligibility conditions prescribed under the Impugned Guidelines governing registration under the HMA read with the Registration Order.

6. Accordingly, Counsel for the Petitioner addressed a detailed representation dated 13.04.2026 to Respondent No. 3 - Sub-Divisional Magistrate (Shakur Basti), Marriage Registrar (“**SDM**”), seeking facilitation of the registration of the Petitioner’s marriage. Thereafter, a further representation dated 28.04.2026 was addressed to Respondent No. 2 - Divisional Commissioner (Marriage), Revenue Department, GNCTD (“**DC Marriage**”), seeking intervention and appropriate directions in that regard. Although the DC Marriage forwarded the Petitioner’s representation dated 28.04.2026 to the SDM on 11.05.2026 for necessary action, no effective steps were thereafter taken to facilitate registration of the Petitioner’s marriage.

7. Consequently, the Petitioner’s marriage remained unregistered during May-June 2026 despite repeated follow-ups on her behalf, owing to the eligibility conditions prescribed under the Impugned Guidelines. Aggrieved by the continued inability to secure registration of her marriage, the Petitioner has preferred the present Writ Petition.

SUBMISSIONS ON BEHALF OF THE PETITIONER

8. Ms. Shasha Jain, learned Counsel for the Petitioner made the following submissions:

8.1. The HMA is a self-contained enactment applicable to persons professing the Hindu religion and does not prescribe Indian



citizenship or permanent residence as a condition precedent for registration of a marriage solemnised thereunder. The Impugned Guidelines, in imposing such conditions, travel beyond the scope of the parent statute and are, therefore, *ultra vires* the HMA. It is further submitted that the Impugned Guidelines create an impermissible classification between Hindus who are Indian citizens and Hindus, who are foreign nationals, thereby denying the latter registration of an otherwise valid marriage solely based on citizenship. Such a classification bears no rational nexus with the object sought to be achieved, namely, registration of marriages validly solemnised under the HMA, and is consequently arbitrary and violative of Article 14 of the Constitution.

- 8.2. Neither the HMA nor the Impugned Guidelines prescribe any specific standard for establishing Hindu identity or conversion to Hinduism. In the absence of any such statutory or regulatory standard, insistence upon proof beyond the pleadings and material already placed on record is arbitrary and unsupported by law. Reliance is placed upon Article 25 of the Constitution, which guarantees to every person, including a foreign national, the freedom to profess and practise religion. In this regard, reliance is also placed upon ***Sastri Yagnapurushadji & Ors. v. Muldas Bhudardas Vaishya & Anr.***, AIR 1966 SC 1119, wherein the Supreme Court observed that Hinduism is a “way of life” and is not confined to any rigid set of compulsory rituals. Reference is



also made to the decision in **Kantaru Rajeevaru v. Indian Young Lawyers Association & Ors.**, (2020) 9 SCC 121.

- 8.3. Clause 2(a) of the Registration Order, read with the Impugned Guidelines, requires at least one spouse to be an Indian citizen. According to the Petitioner, which is contrary to the object of the Registration Order, namely, to ensure compulsory registration of marriages solemnised in Delhi. Denial of registration to an otherwise valid marriage solely on the ground that both spouses are foreign nationals has no rational nexus with the stated object and is therefore arbitrary and violative of Article 14 of the Constitution. Reliance is placed upon **Smt. Seema v. Ashwani Kumar**, (2006) 2 SCC 578, in support of the said submission.
- 8.4. Chapter III of the SMA does not constitute an effective alternative remedy for the Petitioner. The said Chapter applies to marriages celebrated in forms other than under personal law, and Sections 15 and 16 thereof require thirty days' residence preceding the application, followed by a further period of public notice inviting objections. These requirements render registration under Chapter III of the SMA impracticable for foreign nationals ordinarily residing outside India.
- 8.5. The Respondents cannot, on the one hand, dispute the validity of the Petitioner's marriage under the HMA, and, on the other hand, treat the same ceremony as sufficient for registration under Chapter III of the SMA, which itself proceeds on the basis that a marriage ceremony has duly taken place.



- 8.6. The right to marry a person of one's choice forms an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution. Registration of a marriage validly solemnised under personal law is a necessary incident of such right. Denial of registration solely on the ground of citizenship is violative of Articles 21 and 25 of the Constitution.
- 8.7. This Court has, on several occasions, directed GNCTD to amend and operationalise the online marriage-registration portal to accommodate foreign nationals and similarly placed applicants. Despite such directions, no effective steps have been taken in that regard. Reliance is placed upon the following decisions in support of the said submission:
- a. ***Bhumika Mohan Jaisinghani & Anr. v. Registrar of Marriages & Ors.***, 2019 SCC OnLine Del 6538;
 - b. ***Aryan Arianfar & Anr. v. Government of NCT of Delhi & Ors.***, 2021 SCC OnLine Del 5665; and
 - c. ***Arushi Mehra & Anr. v. Government of NCT of Delhi & Anr.***, order dated 20.09.2023 in W.P.(C) 15117/2022.
- 8.8. Further, in ***Reena Chadha & Anr. v. Government of NCT of Delhi & Ors.***, Neutral Citation: 2021:DHC:2791, as followed in ***Sarabjeet Singh Narula & Anr. v. Government of NCT of Delhi & Anr.***, 2026 SCC OnLine Del 2972, this Court has recognised the absence of an adequate procedure for registration of marriages through holders of Special Power of Attorney, video conferencing, or other alternative modes of identity verification.



- 8.9. Despite several judicial observations, GNCTD has not put in place a uniform mechanism, thereby compelling similarly situated applicants to approach this Court repeatedly for substantially identical reliefs. Appropriate consequential directions are necessary to ensure compliance with the earlier directions of this Court and to provide a uniform, effective and accessible mechanism for registration.
- 8.10. In view of the aforesaid submissions, it is prayed that the present Writ Petition be allowed and appropriate consequential directions be issued.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

9. Mr. Mohit Agarwal, learned Panel Counsel for the Respondents made the following submissions:

- 9.1. The present Petition proceeds on a premise that the Petitioner's marriage is governed by the HMA. The applicability of the HMA cannot be assumed and is governed by Section 2 thereof. The burden of establishing such threshold applicability lies squarely upon the Petitioner, who seeks to invoke the provisions of the HMA.
- 9.2. The Marriage Certificate relied upon by the Petitioner and her husband merely records that the marriage was solemnised under the auspices of the Arya Samaj and in accordance with Hindu rites, ceremonies and customs. It does not record the religion professed by either party. No affidavit of conversion, nor any notification in the Official Gazette evidencing conversion of the



Petitioner's husband, a Swedish national, to the Hindu faith, has been placed on record. The mode of solemnisation of a marriage cannot, in the absence of independent proof of the religious status of the parties, be treated as conclusive of the applicability of a statute which is expressly confined to persons who are Hindu by religion.

- 9.3. In the absence of such proof, the Petitioner has failed to establish the foundational basis of the cause of action sought to be asserted and consequently lacks *locus standi* to challenge the eligibility conditions framed under Clause 2(a) of the Registration Order, which also contemplates registration of marriages solemnised under personal law.
- 9.4. Further, the present Petition is, in any event, misconceived, since a complete and effective statutory mechanism for registration of marriages between two foreign nationals already exists and stands judicially recognised. This Court, in **Arushi Mehra** (*supra*), took note of the amended Guidelines issued *vide* order dated 30.05.2023 ("**Amended Guidelines**"), whereby marriages between two foreign nationals, being the category to which the Petitioner and her husband belong, became registrable under Chapter III of the SMA without any bar based on citizenship. Upon being apprised of the amended position, this Court held that nothing survived in a writ petition raising a substantially identical grievance. In view of the existing, effective and binding mechanism, the present Petition, which discloses no surviving cause of action requiring adjudication, is not maintainable.



- 9.5. The Petitioner's own conduct prior to the institution of the present Petition demonstrates that she proceeded throughout on assumption that the remedy is available to her under the SMA. The Petitioner's representations dated 06.04.2026 and 26.04.2026, made prior to filing of the present Petition, were confined exclusively to registration under the SMA, and the forwarding communication of the DC Marriage dated 11.05.2026 reiterated the same subject. At no stage prior to the filing of the present Petition did the Petitioner assert any claim for registration under the HMA or under the Registration Order. Having consistently asserted her remedy under the SMA, which, under the Amended Guidelines, squarely accommodates her case, the Petitioner cannot now be permitted to resile from that position and mount a constitutional challenge to an altogether different framework of HMA without first establishing its applicability in the facts of the present case.
- 9.6. The requirement of thirty days' residence within the district of the Marriage Officer under Section 15 of the SMA, as reiterated in the Amended Guidelines, is a jurisdictional safeguard and not a mere technicality capable of being circumvented. It forms the very basis of the territorial jurisdiction of the Marriage Officer. The said requirement is accompanied by safeguards such as proof of current residence, a valid visa, attestation of identity by the Embassy concerned or an Executive Magistrate, and appearance of three identifiable witnesses, all of which are designed to verify



the *bona fides* of applications made by foreign nationals and cannot be dispensed with.

- 9.7. Prayer (f) of the present Petition expressly seeks registration of the marriage without requiring the Petitioner to pursue registration under Chapter III of the SMA. This prayer, read with the fact that the Petitioner's own prior representations dated 06.04.2026 and 26.04.2026 clearly demonstrates the Petitioner's own understanding of applicability of the SMA.
- 9.8. The Petitioner has not approached this Court for the vindication of any constitutional right, but as an attempt to secure, through the extraordinary writ jurisdiction of this Court, registration without complying with the residence and verification safeguards under the SMA read with Amended Guidelines, which are compulsory and cannot be waived.
- 9.9. Accordingly, the present Petition is liable to be dismissed as: (i) it is not maintainable, for want of proof that the marriage attracts the provisions of the HMA and, consequently, for want of *locus standi* to challenge the Impugned Guidelines or the Registration Order framed thereunder; (ii) it is misconceived, in view of the complete and efficacious alternate remedy already available under the SMA and Amended Guidelines, which are judicially recognised in **Arushi Mehra** (*supra*); and (iii) it constitutes an attempt to circumvent the safeguards attendant upon registration under the SMA, which is already invoked by the Petitioner herself prior to filing the present Petition.



ANALYSIS AND FINDINGS

10. We have heard learned Counsel appearing on behalf of the Petitioner and learned Panel Counsel appearing on behalf of the Respondents and have also perused the material placed on record.

11. At the outset, it would be apposite to note that the Petitioner has assailed the eligibility conditions contained in the Impugned Guidelines and Clause 2(a) of the Registration Order on the ground that the same are *ultra vires* the HMA and violative of Articles 14, 21 and 25 of the Constitution. The Respondents have opposed the Petition, *inter alia*, on the ground that the same is not maintainable, an alternate and efficacious statutory remedy being available to the Petitioner under Chapter III of the SMA.

12. It has been submitted on behalf of the Respondents that the Marriage Certificate relied upon by the Petitioner records only the manner of solemnisation of the marriage, namely, that the marriage was solemnised in accordance with Hindu rites and ceremonies under the auspices of Arya Samaj, however, the same does not disclose the religion professed by either of the Parties.

13. The Respondents have further submitted that, in the absence of an affidavit of conversion or a notification published in the Official Gazette evidencing the conversion of the Petitioner's husband to the Hindu faith, the applicability of the HMA to the marriage in question remains unestablished.

14. The HMA applies to persons who are Hindu by religion in any of its forms or developments, as well as to persons falling within its extended ambit, namely, Buddhists, Jains and Sikhs. It further applies to all other persons domiciled in India who are not Muslims, Christians, Parsis or Jews,



unless it is established that such persons would not have been governed by the HMA by reason of any custom or usage.

15. In ***Perumal Nadar v. Ponnuswami***, (1970) 1 SCC 605, the Supreme Court held that a person may be a Hindu either by birth or by conversion. Mere theoretical allegiance to the Hindu faith by a person born into another faith does not amount to conversion, nor is a bare declaration professing Hinduism sufficient for that purpose. However, a *bona fide* intention to convert to the Hindu faith, accompanied by conduct unequivocally manifesting such intention, may constitute sufficient evidence of conversion. The Court further held that no formal ceremony of purification or expiation is necessary to effectuate such conversion.

16. In the present case, apart from the assertion that the Petitioner's husband had embraced the Hindu faith prior to the solemnisation of the marriage, no material has been placed on record to evidence such conversion. The Marriage Certificate issued by the Arya Samaj Mandir records that the marriage was solemnised in accordance with Hindu rites, ceremonies and customs; however, it neither records the religion professed by the Parties nor establishes the conversion of the Petitioner's husband to Hinduism. In the absence of any independent material substantiating such conversion, the mere solemnisation of the marriage in accordance with Hindu rites cannot, by itself, establish that the Petitioner's husband was a Hindu within the meaning of Section 2 of the HMA.

17. A marriage under the HMA is valid only where it is solemnised between two Hindus in accordance with the essential rites and ceremonies prescribed by Hindu law. In ***Rohit Pandey v. Union of India***, Neutral



Citation: 2026:AHC-LKO:66346, the Allahabad High Court, relying upon ***Priya Balan Ghosh v. Suresh Chandra Ghosh***, (1971) 1 SCC 864, held that the mere production of a certificate issued by an Arya Samaj Mandir would not, by itself, establish that the marriage had been solemnised in accordance with the HMA. Accordingly, in the present case, the Marriage Certificate alone cannot be regarded as conclusive either of the applicability of the HMA to the Parties or of the solemnisation of a valid Hindu marriage thereunder. The Petitioner has, therefore, failed to establish the foundational requirement necessary for invoking the provisions of the HMA.

18. In view of the foregoing, the constitutional challenge raised by the Petitioner declaring the eligibility conditions contained in the Impugned Guidelines and the Registration Order governing registration of marriages under the HMA insofar as they require that one of the parties must be an Indian citizen and must have permanent residence within the territorial jurisdiction of the concerned Marriage Officer, as being *ultra vires* the HMA as arbitrary, discriminatory and violative of Articles 14 and 21 of the Constitution is not maintainable in the present Petition, as the Petitioner lacks the requisite *locus standi* to assail the same under the provisions of the HMA.

19. In any event, an alternative and efficacious statutory mechanism is available to the Petitioner under the SMA read with the Amended Guidelines. The relevant extract of the Amended Guidelines is reproduced hereinbelow:

“When both the parties are foreign nationals and want to register their marriage, they will also be entitled to apply for registration under the Special Marriage Act, 1954. Such application by two foreign nationals will also be entertained by the Marriage Officers



concerned. The two foreign nationals seeking the marriage registration may apply before the Marriage Officer in Delhi under whose either of them is residing. The proof of current residence shall be submitted by them as per the norms already prescribed for the purpose for registration of marriage and the applicants must have valid VISA on the date of registration. The two foreign nationals applying for the registration of their marriage shall furnish an 'Affidavit' duly attested by the official of the Embassy of their country concerned in India. If the Embassy chooses not to attest even the affidavit, the, Foreign National(s) concerned may get the Affidavit attested by an Executive Magistrate on the basis of identity disclosed through his/her passport(s). After completing other usual formalities, the marriage certificate will be issued to them with a 'disclaimer' at the foot note stating that "The compliance of the eligibility conditions mentioned in the section 4 of the Special Marriage Act, 1954 has not been verified by the marriage officer. This marriage has been registered on the basis of affidavits, residence proof and other records furnished by both the foreign nationals registering their marriage. The Marriage Officer is not certifying the authenticity of the facts. The parties to the marriage shall be jointly and severally be responsible for any misrepresentation, fraud or violation of any law for the time being inforce."

20. A perusal of the Amended Guidelines indicates that for the purposes of registration of a marriage under the SMA, at least one of the parties, whether the bride or the groom, is required to be an Indian citizen. However, the Amended Guidelines carve out a specific exception where both parties to the marriage are foreign nationals. In such cases, the requirement that one of the parties be an Indian citizen stands expressly dispensed with, and the application for registration is required to be entertained by the concerned Marriage Officer, subject to fulfilment of the remaining statutory and procedural requirements.



21. The prescribed conditions include proof of current residence within the concerned district in Delhi; possession of a valid visa on the date of registration; submission of affidavits duly attested by the Embassy of the country concerned or, where such attestation is unavailable, by an Executive Magistrate on the basis of the identity disclosed in the parties' passports; residence within the district of the Marriage Officer for the prescribed period of thirty days immediately preceding the application; and the personal appearance of the parties along with three identifiable witnesses.

22. The object of these requirements is to enable the Marriage Officer to verify territorial jurisdiction, the identity and residence of the applicants, and their *bona fides* before issuing the marriage certificate.

23. The aforesaid remedy was considered by this Court in **Arushi Mehra** (*supra*), wherein the Court took note of the amendment of the Impugned Guidelines governing registration of marriages under the SMA by the Revenue Department *vide* order dated 30.05.2023.

24. The Petitioner is a citizen of Sweden and holds an OCI Card, while her husband is likewise a citizen of Sweden. An OCI Card does not confer Indian citizenship; rather, it constitutes a form of registration under the Citizenship Act, 1955, conferring certain rights and privileges upon persons of Indian origin who are foreign nationals. It cannot, therefore, be equated with Indian citizenship for the purposes of the Amended Guidelines. Notwithstanding her OCI status, the Petitioner remains a foreign national for the purposes of the citizenship requirement prescribed thereunder.

25. Since both parties to the marriage are citizens of Sweden, they fall within the exception applicable to marriages between two foreign nationals.



Consequently, the requirement that one of the parties be an Indian citizen does not apply to them.

26. In view of the foregoing, we find merit in the submission advanced by learned Counsel for the Respondents that an alternative and efficacious statutory remedy, without any bar of citizenship, was available to the Petitioner for registration of her marriage under Chapter III of the SMA, subject to compliance with the remaining conditions prescribed under the Amended Guidelines.

27. This conclusion is further reinforced by the conduct of the Petitioner prior to the institution of the present Petition. It is undisputed that the representations addressed by the Petitioner to the SDM on 13.04.2026 and to the DC Marriage on 28.04.2026, as well as the forwarding communication issued by the DC Marriage dated 11.05.2026, were confined to registration under the SMA. Prior to filing the present Petition, the Petitioner had not sought registration of the marriage under the HMA.

28. Before filing this Petition, the Petitioner had proceeded on the basis that her remedy was available under the SMA. Since that remedy is available to both her and her husband regardless of their citizenship, she cannot now challenge the eligibility conditions under the HMA and the Registration Order when such a decision is not necessary to grant the relief sought.

29. The Petitioner's prayer seeking registration of the marriage without requiring her to proceed under Chapter III of the SMA cannot be granted, as compliance with the requirements prescribed thereunder is mandatory for registration of her marriage in India. The Petitioner has contended that the remedy under Chapter III of the SMA is ineffective because Section 15 thereof



requires residence for a period of thirty days within the district of the Marriage Officer. The Respondents, however, have submitted that this requirement is jurisdictional in nature, as it determines the territorial jurisdiction of the Marriage Officer, and cannot be relaxed merely on the ground of inconvenience to an applicant. We find merit in the Respondents' submission. Since the residence requirement forms the basis of the territorial jurisdiction of the Marriage Officer, it cannot be dispensed with solely on the ground that compliance therewith may cause inconvenience to the Petitioner.

30. The Petitioner also sought direction to GNCTD suitably update, modify and operationalise the online marriage registration portal by removing the existing technological impediments and providing an effective mechanism enabling foreign nationals, OCI Card holders, persons of Indian origin and other similarly situated applicants to initiate, submit and complete applications for registration of marriage, in accordance with the directions issued by this Court in **Bhumika Mohan Jaisinghani** (*supra*); **Aryan Arianfar** (*supra*); and **Arushi Mehra** (*supra*). It was further submitted by the Petitioner that the marriage-registration portal allows access only through Aadhaar-based authentication and does not support applications involving foreign nationals, OCI Card holders, or similarly situated persons.

31. We are of the considered view that the grievance raised by the Petitioner can be effectively addressed by directing the Respondents to consider undertaking suitable modifications to the online marriage-registration portal. Such modifications should enable applicants who are unable to use Aadhaar-based authentication, including foreign nationals and OCI Card holders, to verify their identity through appropriate alternative



documents, such as valid passports or OCI Cards, in accordance with the applicable statutory and procedural requirements.

32. In **Reena Chadha** (*supra*), which was subsequently followed by this Court in **Sarabjeet Singh Narula** (*supra*), this Court recognised the necessity of prescribing an appropriate and effective procedure for cases in which the parties are for *bona fide* reasons unable to remain physically present before the Registering Authority. Accordingly, if the Petitioner so requests, the Respondents shall permit the Petitioner to appear before the concerned authority through video conferencing, to the extent permissible under the applicable law and procedure.

33. Accordingly, the Petitioner shall be at liberty to apply for registration of her marriage under Chapter III of the Special Marriage Act, 1954, in accordance with the applicable law and if the Petitioner submits any such application for registration of her marriage, the same shall be considered on its own merits and in accordance with the applicable statutory requirements.

CONCLUSION

34. Accordingly, the present Petition is disposed of with the following directions:

- (i) The constitutional challenge to the Impugned Guidelines and the Registration Order's citizenship and permanent-residence conditions under the Hindu Marriage Act, 1955 is not maintainable since the Petitioner lacks the requisite *locus standi*.
- (ii) An alternative and efficacious statutory remedy, without a citizenship bar, is available under Chapter III of the Special Marriage Act, 1954 subject to the Amended Guidelines as both



parties are Swedish citizens and they fall within the exception for marriages between two foreign nationals.

- (iii) Prayer seeking registration without compliance with Chapter III of the Special Marriage Act, 1954 cannot be granted as the thirty-day residence requirement establishes the Marriage Officer's territorial jurisdiction and cannot be relaxed merely because it causes inconvenience.
- (iv) The Respondents shall consider upgrading the portal to permit authentication through Passports, OCI Cards, or other appropriate means.
- (v) The Respondents shall permit the Petitioner to appear through video conferencing, as permissible in law.
- (vi) The Petitioner is at liberty to apply under Chapter III of the Special Marriage Act, 1954 and any such application shall be considered on its merits and in accordance with applicable statutory requirements.

35. The Petition stands disposed of with the aforesaid directions and observations.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

SEPTEMBER 30, 2026

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