

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**WP(C) No. 1054/2025
CM No. 2506/2025**

Munir Ahmed & Anr.

.....Appellant(s)/Petitioner(s)

Through: Mr. Ankur Sharma, Advocate

Vs

Union of India & Ors.

..... Respondent(s)

Through: Mr. Vishal Sharma, DSGI
Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(29.04.2025)

सत्यमेव जयते

- 01.** The petitioners have come forward with institution of present writ petition bearing SOS note. The petitioner No. 1 is an Indian citizen serving in Para-Military Force (CRPF). The petitioner No. 1 is said to have solemnized marriage with the petitioner No. 2 who is a Pakistani citizen by online marriage mode. Whether such type of marriage is permissible/recognisable in the eyes of law, is an aspect which requires attention of Government of India, but the fact remains that the petitioner No. 2

entered India on a Tourist/Visitor Visa No. **VN0245039** which came to expire on 22.03.2025.

- 02.** The petitioners claim to have solemnized online marriage and in this regard make reference to annexure-III (Wedding Cards) which is accompanied with a purported Nikahnama(Marriage Certificate) which shows the place of Nikah to be Handwal, Jammu.
- 03.** The very fact that the place of Nikah is shown to be Handwal Jammu, *per-se*, meant that the marriage was solemnized in physical mode taking place at Jammu which is not the factual situation in the present case as the purported marriage came to take place by online mode that is the petitioner No. 2 was in Pakistan at her residential house and the petitioner No. 1 in UT of J&K at his own house.
- 04.** Though, the petitioner No.1 is said to have apprised with his employer-CRPF about the fact that he intends to marry a Pakistani woman and even had given the proposed date of marriage to be 05.11.2023 but the marriage did not take place on the given date and could not have taken place because the petitioner No. 2 had not come to India nor petitioner No. 1 had gone to Pakistan to solemnize marriage with petitioner No. 2.

- 05.** The Post Pahalgam carnage which has led to day light killings of 27 Indian citizens at the hands of Terrorists, the Government of India has activated its sovereign power to oust the visiting Pakistani Nationals in India on Visas other than the ones as excepted which are on Diplomatic and officials or on Long-Term Visas, whereas Visas of every other kind including Visitor's Visa in favour of Pakistani Nationals stand revoked with immediate effect with a given date of exit from India.
- 06.** Learned counsel for the petitioners submits that on the basis of purported marriage, the petitioner No. 2 has submitted her request for grant of Long-Term Visa by reference to the provisions of Communication No. 28020/58/2014-F.III, Government of India, Ministry of Home Affairs, dated 15.12.2014.
- 07.** It is for the Government of India to consider whether Long-Term Visa in favour of petitioner No. 2 to be issued or not even if there is a request made by and pending for grant of Long-Term Visa in faovur of the petitioner No. 2. The present actual status of the petitioner No. 2 is that of a Pakistani National entering and staying in India on Short-Term Visa that too which has expired.

- 08.** Learned counsel for the petitioners by referring to Annexure-VIII submits that upon expiry of her Tourist Visa, the petitioner No. 2 was put on an Exit Permit which meant that she was to exit from India but upon her representation, the Exit Permit operating upon her has come to be cancelled and position is being re-examined.
- 09.** This Court has no issue with this aspect of the case that the petitioner No. 2's case is under consideration but as and when that consideration would come from the Government of India's end through its concerned Ministry, the petitioner No. 2 would accordingly become either the beneficiary or the non-beneficiary of the outcome, so as to govern her status whether to be in India for all time to come as wife of petitioner No. 1 or to stay back in Pakistan continuing to be the wife of the petitioner No. 1.
- 10.** Issue notice to the respondents in the main petition and in the CMP as well.
- 11.** Mr. Vishal Sharma, learned DSGI, accepts notice on behalf of respondent No. 1 and Mrs. Monika Kohli, learned senior AAG accepts notice on behalf of the respondent Nos. 2 to 5.

- 12.** Let a reply be filed by the respondents within a period of ten days.
- 13.** List on **14.05.2025**.
- 14.** Meantime, the petitioner No. 2 who is directed to be ousted from the UT of J&K so her ouster as well as status would be the subject to the final outcome of the writ petition.
- 15.** Copy of this order be provided to the learned counsel for the petitioner under the seal and signature of Bench Secretary of this Court.

JAMMU
29.04.2025
SUNIL



(RAHUL BHARTI)
JUDGE

सत्यमेव जयते