

# How to marriage with my father's sister's daughter

8 years ago 76 Replies

Report



sunil sharma

Manager

Points: 94

Hi,

Me and my first cousin are in love with each other and we wish to marry. She is the daughter of my Father's younger sister. We are Hindu (Brahmin) and both of us are adults. I am financially stable in karnataka and perfectly capable of taking care of her and our family thereof (should this matter). I have the following questions:

1) Is this marriage allowed under Hindu Marriage Act or any other special act applicable to Hindus?

2) We belong to West haryana; but I am not sure whether there is a local or community tradition supporting such marriages (from the legal perspective). I have seen some cases of such marriage but I am not sure whether they enjoy a valid legal status. Kindly cite any past judgements which have favoures such marriages in the community (W.B).

3) Does the state (within India) where we intend to marry have any legal bearing on the marriage. Or to put it differently, does the interpretation of the act differ in one state and the other?. If so, are which Indian state offers the most legal protection for such couples?

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4) Is it possible to get married in Arya Samaj Mandir under Arya Samaj Hindu rites and then get the marriage registered by the Marriage officer/Registrar of the particular state so as to get a Marriage certificate issued. Will such a certificate be valid in the court of law inspite of the consanguinity in marriage?

5) Lastly, in case such a marriage cannot be made valid under any Hindu Act / Civil Act, what are the legal challenges for the future generation (succession, etc). Can any individual ( say, our family members) forcibly separate us in connivance with the authorities? Can we go to court and get legal protection considering that we are willing adults and perfectly capable of taking decisions regarding our life?

You would appreciate that this is very critical for both of us. We would still be ready to be ostracized by our families or society, so as our act is legal and would not cause any hardships to the future generation.

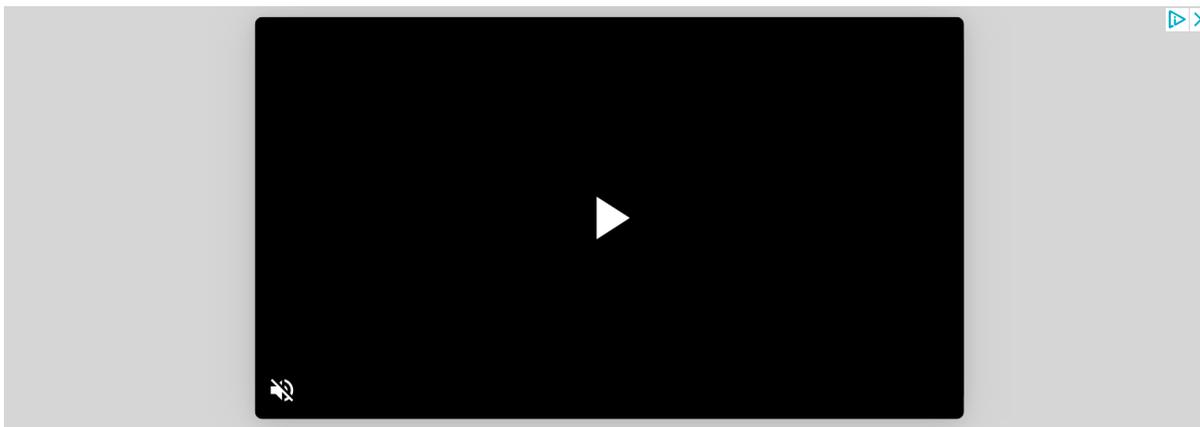
Note that I would be separately looking at the medical challenges and undergo a pre-marriage genetic counselling (there are reports that the genetic risk is overrated).

I love her soo much, please let me know from you as we are very much tring to be live togher.

please suggest to do me the needful so that she would be my wife as per indian LAW.

please must reply

Thanks, in advance.



↩ Reply



🕒 8 years ago



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Nadeem Qureshi ▾

Advocate/  
nadeemqureshi1@

👍 Likes: 507

Points:

25008

Dear Sunil

you can not marry her under hindu law and special marriage act too

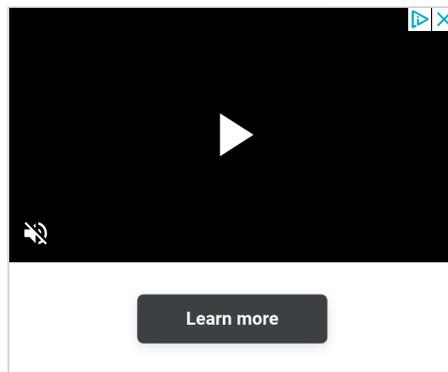
due to

Degree of Prohibited Relationship

1. Mother
2. Father's widow (step-mother)
3. Mother's mother
4. Mother's father's widow (step grand-mother)
5. Mother's mother's mother
6. Mother's mother's father's widow (step-great-grandmother)
7. Mother's father's mother
8. Mother's father's father's widow (step-great-grandmother)
9. Father's mother
10. Father's father's widow (step-grandmother)
11. Father's mother's mother
12. Father's mother's father's widow (step-great-grandmother)
13. Father's father's mother
14. Father's father's father's widow (step-great-grandmother)

15. Daughter
16. Son's widow
17. Daughter's daughter
18. Daughter's son's widow
19. Son's daughter
20. Son's son's widow
21. Daughter's daughter's daughter
22. Daughter's daughter's son's widow
23. Daughter's son's daughter
24. Daughter's son's son's widow
25. Son's daughter's daughter
26. Son's daughter's son's widow
27. Son's son's daughter
28. Son's son's son's widow
29. Sister
30. Sister's daughter
31. Brother's daughter
32. Mother's sister
33. Father's sister
34. Father's brother's daughter
35. Father's sister's daughter
36. Mother's sister's-daughter
37. Mother's brother's daughter

 Reply



 8 years ago



sunil sharma



Manager

Points: 94

I am living in rajasthan since i born and I have a domosile of Rajasthan and the girl have adomosile od Haryana....

I am staying in karnataka since past 7 years, can it is possible that i can marry her in karnataka as in karnataka the custom allows the cousin marriage as per the special marriage act 1955.

what is the Exect problem....sapanda relationship or digree od probhited relationship.,

just go throug the attached link andd see...in this lawers are saying that the

A boy can marry his mother's brother's Daughter.

<http://www.lawyersclubindia.com/forum/Marriage-with-cross-cousin-31687.asp>.

Reply

8 years ago



sunil sharma



Manager

Points: 94

I just want that she can live with me legaly.....wather it may be by doing marriage or any other option as per Law so that her parents can't take a support of Law to take her away from me.....kindly suggest us any option to live toghter....

↩ Reply

🕒 8 years ago



Dr. MPS  
RAMANI  
Ph.D.[Tech] ▾

Scientist/Engineer

👍 Likes: 268

📌 Points: 7345

Under Hindu Marriage Act, 1955 marriage between first cousins of all types is prohibited. But if such marriage is customary in a community, it is permitted. Generally in the South, marriage between first cross-cousins is regularly practiced. But I do not think that the permissibility of such marriages is not based on the State in which such a marriage takes place, but on the community to which such couples belong. Marriage between first cousins, whether parallel or cross, is not permitted in most of North India. Hence I would think that first cousins, who belong to North Indian communities, cannot marry.

Marriage between brother and sister is prohibited the world over. The reason why consanguineous marriages are not permitted, is because the chances of the offspring inheriting congenital defects, is believed to be high. Hence law or no law, custom or no custom, it is advisable not to marry close relatives and to respect the Hindu Marriage Act in principle. Government has not codified Muslim marriage laws just only for political reasons. It is only for the same reason that Hindu Marriage Act precludes customary marriages from its purview. In the South marriage between maternal uncle and niece is permitted and is also very common. But it is my personal opinion that such marriages are atrocious.

Total likes : 1 times

↩ Reply

8 years ago



K.  
GOPALAKRISHNAN

ADVOCATE

👍 Likes: 18

📌 Points: 401

There is one possibility, you may insist your cousin to convert into another religion and there is a chance for you getting married.

↩ Reply

8 years ago



Tajobsindia ▾

Senior  
Partner

👍 Likes:

2854

@ Id. Gopalakrishnan

If you may then;

A Supreme Court Bench consisting of Justice S. Saghir Ahmad and Justice R.P. Sethi passed a historic judgment on 5 May, 2000 which has almost given a death-blow to the phobia of the uniform civil code and has also sternly dealt with such persons who outwardly convert to Islam only for the purpose of contracting a second marriage thereby depriving

Points:

19810

the first wife of her legitimate, legal rights.

#### Reference - 2000 (4) Scale 176

The present judgment was passed in a petition seeking a review of the earlier judgment [See 1995 Vol.3 Supreme Court cases page 635) passed by a Bench consisting of Justice Kuldeep Sing and Justice RM Sahai (both now retired). Though the issue of Uniform Civil Code was not at all involved in the case before the court, even then Justice Kuldeep Singh in his separate judgment referring to the earlier Constitution Bench's recommendation for a uniform Civil Code in the infamous Shah Bano judgment, directed the Central Govt. and the Prime Minister to legislate and implement the UCC and directed that a responsible officer of the Central Govt. shall file an affidavit after one year stating therein about the steps taken by the Govt. in this regard. It was further held that if a Hindu despite his Hindu wife, converts to Islam, and contracts a second marriage, his first marriage shall subsist and the second marriage shall be illegal and he shall be liable to be prosecuted and punished under section 17 of the Hindu Marriage Act and under Section 494 of the Indian Penal Code which prohibit second marriage during the subsistence of the first marriage.

The above judgment was challenged by the All India Muslim Personal Law Board and the Jamiat Ulema Hind etc on the ground that it violates the Fundamentals Rights guaranteed under Article 20, 21, 25 and 26 of the Constitution of India. According to Article 20 (1), a person can be convicted of an offence only when there was a law to that effect at the time of the commission of the offence. Article 21 guarantees right to a dignified life and personal liberty and Article 25 and 26 protect religious freedom.

I am open for further discussion on **re. Sarla Mudgil** case on above lines if any by your Id. self.....

 Reply

 8 years ago



Tajobsindia ▾

Senior  
Partner

👍 Likes:

2854

Points:

19810

oops

pls. ignore above post (it is on different footings)

Total likes : 1 times

↩ Reply

🕒 8 years ago



sunil sharma  
▾

Manager

Points: 94

If she convert to christen.....then after marriage she would be again convert to hindu again after marriage.....means I have to be convert or we both have to be convert.....

please go through the attached link.....is it would be right...

<http://www.lawyersclubindia.com/forum/Hindu-cousins-can-marry-after-converting-to-christianity-41558.asp>

Is there any other option because I love Hinduism very lot.....I want to be a part of Hindu Religion.

↩ Reply

🕒 8 years ago



sunil sharma



Manager

Points: 94

I think where is Law, there is also some Liberation or relieve...

I know that all the Greatest ADVOCATE are available at this site... I hope that with the Great experiance of you all...I would surely got a right Way...

Please Help Me...or Suggest me to do the needful..!!

Thank you

↩ Reply

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