

## Hindu Marriage Act: SC says re-conversion fine

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**New Delhi** : Re-conversion to Hinduism cannot act as a bar for a marriage under the Hindu Marriage Act, the Supreme Court has ruled.

A Bench of Justices P Sathasivam and H L Gokhale said this in a judgment against a petition filed by IAF flying officer Rajiv Gakhar against his wife for “tricking” him into marriage by claiming to be a Hindu.

But the court ruled in favour of Bhavana alias Sahar Wasif, Gakhar’s wife, after finding that she was born a Hindu, had converted to Islam to marry a Muslim and later re-converted to Hinduism after her husband divorced her.

Observing that she was indeed a Hindu at the time of her marriage to Gakhar, after having performed shudhikaran (purification) ceremonies, the court held their marriage to be valid under the Hindu Marriage Act.

The court rejected Gakhar’s plea that Bhavana had concealed the fact that she was a Muslim, already married and had two children from her first husband Wasif Khalil.

Gakhar had filed a suit in 2000 in the Faridabad district court for divorce. They were married on November 28, 1999 at an Arya Samaj temple.

The trial court had granted him divorce on the grounds that the marriage was conducted in violation of Section 5 of the HMA, which mandated that both the parties to the marriage should belong to the Hindu community. However, the Punjab and Haryana High Court had, on an appeal from Bhavana, quashed the trial court judgment and restored the marriage.

Bhavana, in an affidavit, deposed that she converted to Islam only at the time of the marriage with Khalil in Delhi.