

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

WA.No. 1549 of 2015 () IN WP(C).5911/2015

AGAINST THE ORDER/JUDGMENT IN WP(C) 5911/2015 of HIGH COURT OF
KERALA DATED 08-06-2015

APPELLANT(S) /PETITIONER:

RAJESH RAJAN, AGED 27 YEARS,
S/O.RAJAN, RAJANANDANAM, HOUSE NO.40
NETAJI NAGAR, PULAMON, KOTTARAKKARA
NOW WORKING ANALYSIS ENGINEER,
AXIS CADES (PVT) LTD., HAMBURG
GERMANY, REPRESENTED BY HIS FATHER AND
POWER OF ATTORNEY HOLDER
K.S.RAJAN, S/O.SREEDHARAN, RAJANANDANAM
HOUSE NO.40, NETAJI NAGAR, PULAMON
KOTTARAKKARA.

BY ADV. SRI.T.I.ABDUL SALAM

RESPONDENT(S) /RESPONDENTS:

1. CHIEF REGISTRAR GENERAL OF MARRIAGES (COMMON) ,
THIRUVANANTHAPURAM - 695 001.
2. REGISTRAR OF MARRIAGES (COMMON) ,
THRISSUR-680 001.
3. NEETHU VASANTH,
D/O.VASANTHAN, HOUSE NO.93, SUBHASH NAGAR
KOORKANCHERRY, TRISSUR.(HAILING FROM 3/582,
MOOTHERY HOUSE, CHAZHOOR.P.O, CHAZHOOR
THRISSUR - 680 571).

R1 & R2 BY ADV.P.P.PADMALAYAN, GOVERNMENT PLEADER
R BY SRI.K.P.VIJAYAN, SC, THRISSUR CORPORATION
R BY ADV. SRI.V.N.HARIDAS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN &
SUNIL THOMAS, JJ.

.....
W.A.No.1549 of 2015
.....

Dated this the 3rd day of August, 2015.

“C.R.”

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.We have heard the learned counsel for the appellant, who is the writ petitioner, quite in extenso.
- 2.Writ petitioner and third respondent obtained a certification under the Kerala Registration of Marriages (Common) Rules, 2008, “the Rules”, for short, to the effect that they are married couple. Later on, the writ petitioner turned round to say that there was no marriage, and registration of such a nature was obtained after the parties had agreed to enter into marriage, however that, the marriage did not materialise as the parties had fallen apart. On this premise, they invoked Rule 13 of the Rules and moved the competent authority under the Rules seeking that the registration may be cancelled. The registering authority did not approve such request. This brought the writ petitioner to this Court. Dilating

on different aspects of the Rules and also similar provisions, the learned single Judge, in our view, quite rightly, came to the conclusion that the writ petitioner cannot be permitted to seek any relief as has been sought for by him, particularly when conduct of the parties would clearly show that the certification was obtained by the writ petitioner and the third respondent jointly and; at the instance of one party, the registration cannot be cancelled.

3. We have looked into the substance of the contentions. This is a case where writ jurisdiction should keep its hands off as rightly noted by the learned single Judge in the impugned judgment, since other remedies may be available in appropriate jurisdictions.

4. We are also not happy with the fact that an institutional mechanism under the constitutional frame work has essentially been taken for a ride. If the story projected by the writ petitioner were true, it is an unfortunate situation which shows that marriages are getting registered under the provisions of the Rules

even before the marriage. The practical reasoning that is projected is the requirement to get visa and immediate transit after the matrimonial ceremony. When wealth is lost, nothing is lost; when health is lost, something is lost; but, when character is lost, everything is lost, so said Mahatma Gandhi. Money comes and goes; morality comes and grows. This is a universal truth. For one's own aims as to wealth and other requirement, if fundamental principles of human values are getting sacrificed by making even false declaration before institutions which register marriages, we think that days have come when the Indian constitutional mechanism will start losing its credibility. The People of India would not tolerate such individual visitations by citizens in defiance of the constitutional values and any abridgment of the statutory provisions and the legally established systems. We indicate all these to alert the State Government and different officials dealing with such matters to do the needful when applications for registration of marriages come up. The Rules themselves contain clear guidelines as to the appropriate procedure to be followed and also the requisite materials to be

appreciated by the competent authority before granting registration of any marriage in relation to which registration is claimed.

5. With this, we are of the view that the judgment of the learned single Judge does not merit interference by entertaining this intra-court appeal. This appeal, therefore, fails.

In the result, this writ appeal is dismissed.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(SUNIL THOMAS, JUDGE)

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