

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 1497 of 2015 (J)

PETITIONER:

**JOHN THOMAS, KARACKAL HOUSE,
KATTACHIRA P.O, KOTTAYAM.**

BY ADV. SRI.A.K.HARIDAS

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF REGISTRATION, SECRETARIATE,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE SUB REGISTRAR,
REGISTRATION DEPARTMENT,
SUB REGISTRAR'S OFFICE,
EATTUMANOOR, KOTTAYAM - 686 631.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1 : THE TRUE COPY OF THE RELEVANT PAGES OF PASSPORT OF PETITIONER.
- EXHIBIT P2 : A TRUE COPY OF VOTER'S IDENTITY CARD OF PETITIONER.
- EXHIBIT P3 : A TRUE COPY OF THE FIRST PAGE OF AUSTRALIAN PASSPORT OF ASHLEY THOMAS.
- EXHIBIT P4 : TRUE COPY OF CERTIFICATE OF REGISTRATION ISSUED BY GOVERNMENT OF INDIA TO ASHLEY THOMAS.
- EXHIBIT P5 : TRUE COPY OF VISA ISSUED BY GOVERNMENT OF INDIA TO ASHLEY THOMAS.
- EXHIBIT P6 : TRUE COPY OF CERTIFICATE OF 'NO RECORD' OF MARRIAGE ISSUED BY STATE OF VICTORIA, AUSTRALIA.
- EXHIBIT P7 : TRUE COPY OF THE NOTICE.
- EXHIBIT P8 : TRUE COPY OF THE CIRCULAR DATED 8.8.2014.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 1497 of 2015

Dated this the 15th day of January, 2015

JUDGMENT

The petitioner is an Indian Citizen who intends to marry one Ashley Thomas, an Australian Citizen of Indian Origin. The petitioner submitted Ext.P7 notice under Section 5 of the Special Marriage Act before the 2nd respondent in this regard. Ext.P6 is the Certificate of 'No record' of Marriage issued by the State of Victoria, Australia. But the 2nd respondent informed the petitioner that, as per Ext.P8 Circular dated 8.8.2014, it is not possible to conduct marriage between a citizen of India with a foreign national. Being aggrieved of the stand taken by the 2nd respondent, this writ petition has been filed.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, this Court finds that, it is for the 2nd respondent to verify the genuineness of Ext.P6 Certificate and pursue further steps to cause the registration of marriage of the petitioner with the foreign national, if there is no other legal impediment. This shall be done as expeditiously as possible.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 2nd respondent for further steps. The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE.**

kp/-