

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C).No. 1686 of 2015 (I)

PETITIONER :

**VIVEK A.C.,
S/O.PHILOMENA CHERIAN, AGED 21 YEARS,
ANAMTHURUTHIL HOUSE,
NETTOOR P.O., ERNAKULAM-682 040.**

**BY ADVS.SRI.SHERRY J. THOMAS
SRI.PAVITHRAN RAVINDRA NATH
SRI.JOSEPH.M.S**

RESPONDENT(S):

- 1. THE DISTRICT REGISTRAR,
ERNAKULAM.**
- 2. THE SUB REGISTRAR,
SUB REGISTRAR OFFICE, MARADU-682 304.**

R1 & R2 BY SR GOVERNMENT PLEADER SRI.MUHAMMED SHAFI.M.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT. P1 : TRUE COPY OF THE AADHAR OF THE PETITIONER.
- EXT. P2 : TRUE COPY OF THE PASSPORT OF PETITIONER'S FIANCEE.
- EXT. P3 : TRUE COPY OF THE CERTIFICATE OF CAPACITY TO MARRIAGE AS PER ENGLISH LAW, ISSUED BY FINLAND TO THE PETITIONER'S FIANCEE.
- EXT. P4 : TRUE COPY OF THE RELEVANT EXTRACT FOR THE POPULATION INFORMATION SYSTEM IN FINLAND.
- EXT. P5 : TRUE COPY OF THE AIR TICKET OF THE PETITIONER'S FIANCEE.
- EXT. P6 : TRUE COPY OF THE NOTICE OF MARRIAGE SENT ON 14-1-15.
- EXT. P6(A) : TRUE COPY OF THE COVERING LETTER.
- EXT. P6(B) : TRUE COPY OF THE POSTAL RECEIPT.
- EXT. P7 : TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WPC 33523/14 IN A SIMILAR CASE.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P(C). No. 1686 of 2015

Dated this the 16th day of January, 2015

J U D G M E N T

The petitioner is an Indian citizen and a resident of Ernakulam District. The petitioner wants to marry a foreign national. The petitioner gave a notice under the Special Marriage Act on 14.01.2015. The concerned respondent refused to accept notice. Notice under the Special Marriage Act is mandatory, to be published in the place of last residence of party to the marriage, who is not residing within the jurisdiction of the registering authority. However, this Court has held that, if the foreign national is able to produce credible document or information that he/she incurs no disability to register any marriage, it can be relied on for the purpose of registering marriage under the Special Marriage Act. As such, the registering authority shall accept notice for the time being. The date of notice shall be reckoned from today and register the marriage in accordance with law, on condition that the petitioner shall produce credible document as mentioned above, duly attested by the Consulate of Finland. Based on that document/certificate, marriage shall be

registered in terms of the Special Marriage Act on expiry of the notice period, considering all the relevant materials.

The writ petition is disposed of as above.

The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the concerned respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Pn