

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

WP(C).No. 14149 of 2015 (P)

PETITIONER:

**MIDHUN THANAT RAMANADHAN,
AGED 37 YEARS, S/O.LATE T.K RAMANADHAN,
THANAT HOUSE, KOTTAMURI P.O,
MALA, PIN - 680 732, KRUVILASSERY VILLAGE,
CHALAKUDY TALUK, THRISSUR DISTRICT.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED
BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF REGISTRATION,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 035.**
- 2. THE SUB REGISTRAR (MARRIAGE OFFICER),
MALA SUB-DISTRICT, MALA,
THRISSUR DISTRICT, PIN -679 534.**

BY SENIOR GOVERNMENT PLEADER M.MUHAMMED SHAFI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHBIIT P1 : TRUE COPY OF NOTICE DATED 07/05/2015 OF THE INTENDED MARRAIGE OF THE PETITIONER AND LAARNI BAYARAS.
- EXHBIIT P2 : TRUE COPY OF CIRCULAR NO R.R3-25537/00 DATED 08/08/2014 ISSUED BY THE SECOND RESPONDENT.
- EXHBIIT P3: TRUE COPY OF VISA ISSUED BY GOVERNMENT OF INDIAN TO LAARNI BAYARAS BY THE REPUBLIC OF INDIA EXTRACTED FROM THE PASSPORT NO EB4732352 ISSUED BY DEPARTMENT OF FOREIGN AFFAIRS, REPUBLIC OF PHILIPPINES.
- EXHBITI P4 : TRUE COPY OF CERTIFICATE DATED 10/03/2015 ISSUED BY THE NATIONAL STATISTICIAN AND CIVIL REGISTRAR GENERAL, PHILIPPINE STATISTICS AUTHORITY ,OFFICE OF THE CIVIL REGISTRAR GENERAL, MANILA, PHILIPPINES AUTHENTICATED BY AUTHENTICATION OFFICER, DEPARTMENT OF FOREIGN AFFAIRS, MANILA, PHILIPPINES.
- EXHBITI P5 : TRUE COPY OF JUDGMENT DATED 30/10/2014 IN W.P(C) NO 28544/2014 OF THIS ON'BLE COURT.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.14149 of 2015

Dated this the 12th day of May, 2015

JUDGMENT

Petitioner intends to marry a Foreign National of Republic of Philippine. Petitioner has given a notice of marriage under Special Marriage Act on 07.05.2015. However, in view of the circular issued by the Registration Department, the Sub Registrar (Marriage Officer) refused to receive the petitioner's application. Accordingly, the petitioner has approached this Court.

2. The petitioner can marry a foreign national under the Special Marriage Act. There is no bar. However there are no Marriage Officer appointed for this purpose in the foreign country for the purpose of serving notice as contemplated under Section 5 of the Special Marriage Act. On account of this, the authorities under the Special Marriage Act are refusing to register the marriage under the Special Marriage Act. This Court held that observation of the procedure is to ensure that foreign national had not contracted another marriage and he has

no other prohibition in contracting marriage and therefore if credible information is provided, that can be acted upon for the purpose of registering marriage under the Special Marriage Act.

3. Petitioner has produced Ext.P4 certificate issued by the competent authority in the Republic of Philippines. If Ext.P4 is duly authenticated by the Consulate of Philippines, based on that, petitioner's marriage shall be solemnized reckoning notice as on 07.05.2015.

The Writ Petition is disposed of.

**A. MUHAMED MUSTAQUE,
JUDGE**

JV