

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. 14203 of 2015 (A)

PETITIONER(S):

**JOBIN MAGTHEW JOSEPH,
PADINJARE VARIKATTU HOUSE,
VETTIMUKAL P.O., KOTTAYAM.**

BY ADV. SRI.A.K.HARIDAS

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF REGISTRATION, SECRETARIAT,,
THIRUVANANTHAPURAM-695001.**
- 2. THE SUB REGISTRAR
REGISTRATION DEPARTMENT, SUB REGISTRAR'S OFFICE
EATTUMANOOR, KOTTAYAM-686101.**

BY SENIOR GOVERNMENT PLEADER SRI.MOHAMMED SHAFFI.M.

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

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 :** TRUE COPY OF THE RELEVANT PAGES OF PASSPORT OF PETITIONER.
- EXT.P2 :** TRUE COPY OF THE DRIVING LICENSE OF PETITIONER.
- EXT.P3 :** TRUE COPY OF THE FIRST PAGE OF AUSTRALIAN PASSPORT OF JIS VINCENT MAMPALLIL.
- EXT.P4 :** TRUE COPY OF THE CERTIFICATE OF REGISTRATION ISSUED BY GOVERNMENT OF INDIA TO JIS VINCENT MAMPALLIL.
- EXT.P5 :** TRUE COPY OF THE CERTIFICATE OF 'NO RECORD', OF MARRIAGE ISSUED BY STATE OF VICTORIA, AUSTRALIA.
- EXT.P6 :** TRUE COPY OF THE NOTICE.
- EXT.P7 :** TRUE COPY OF THE CIRCULAR DT.8-8-2014.
- EXT.P8 :** TRUE COPY OF THE JUDGMENT IN WPC 28544/14.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A. MUHAMED MUSTAQUE, J.

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W.P.(C) No.14203 of 2015

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Dated this the 12th day of May, 2015

JUDGMENT

Petitioner, an Indian citizen, was to marry an Australian citizen of Indian origin. He approached 2nd respondent to register marriage in terms of Special Marriage Act. This was declined citing Ext.P7 circular. Hence the petitioner approached this Court.

2. The petitioner relies on Ext.P8 judgment of this Court in W.P.(C) No.28544 of 2014. In the above judgment paragraph 2 is relevant, which reads as follows:-

“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. Therefore, in the light of above judgment, if the petitioner is able to produce any credible materials, reckoning date of notice as on today, the marriage shall be registered in accordance with law.

The writ petition is disposed of.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE

sj