

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 27794 of 2014 (Y)

PETITIONER(S):

**DESTIN JOSEPH, AGED 38 YEARS
S/O.JOSEPH, CHANEPARAMBIL HOUSE, NEERICODE.P.O.
ERNAKULAM DISTRICT-683 511.**

**BY ADVS.SRI.SAJI MATHEW
SRI.DENU JOSEPH**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY,
THIRUVANANTHAPURAM-695 001.**
- 2. DEPARTMENT OF REGISTRATION,
REPRESENTED BY INSPECTOR GENERAL OF REGISTRATION,
THIRUVANANTHAPURAM-695 001.**
- 3. MARRIAGE OFFICER FOR ERNAKULAM DISTRICT/DISTRICT REGISTRAR
ERNAKULAM-682 011.**

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE NOTICE OF INTENDED MARRIAGE DATED 14.10.2014.
- P2- TRUE COPY OF THE CERTIFICATE OF REGISTRATION FOR OVERSEAS CITIZEN OF INDIA ISSUED TO THE INTENDED BRIDE.
- P3- TRUE COPY OF THE DECREE OF DIVORCE PASSED BY THE FAMILY COURT, KOTTAYAM IN O.P.NO.1036/2013 DATED 31.03.2014.
- P4- TRUE COPY OF THE NOTICE OF INTENDED MARRIAGE DATED 29/10/14 SUBMITTED BY THE PETITIONER TO THE R3
- P5- TRUE COPY OF THE LETTER DATED 31/10/14 SUBMITTED BY THE INTENDED BRIDE TO THE BRITISH HIGH COMMISSIOSNER TO INIDA
- P6- TRUE COPY OF THE LETTER DATED 31/10/14 ISSUED BY THE INTENDED BRIDE TO THE BRITISH HIGH COMMISSIONER TO INDIA
- P7- TRUE COPY OF THE LETTER DATED 31/10/14 SUBMITTED BYTHE INTENDED BRIDE TO THE INDIAN HIGH COMMISSIONER TO THE UNITED KINGDOM
- P8- TRUE COPY OF THE EMAIL DATED 31/10/14 COMMUNICATION SENT TO HIGH COMMISSIONER TO THE UNITED KINGDOM SUBMITTED BYT THE INTENDED BRIDE
- P9- TRUE COPY OF THE COUNCIL TAX BILL DATED 31/10/14 ISSUED BY DARLINGTON BORUGH COUNCIL.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.27794 of 2014

Dated this the 8th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"(i) Pass an order of mandamus or such other writ order or direction directing the 3rd Respondent to accept the notice of intended marriage submitted by the Petitioner and proceed further to solemnize the marriage of the Petitioner if in compliance with the requirements of the Special Marriage Act.

(ii) To issue such other Writs orders or directions as this Hon'ble Court may deem, fit and proper in the circumstances of the case."

2. The case of the petitioner is that, he wants to contract marriage with a foreign national, in terms of the Special Marriage Act, but the application/notice was not accepted by the Registering Authority, which made the petitioner to approach this Court by filing this writ petition for appropriate relief .

3. When the matter taken up for consideration on 24.10.2014, an order was passed, whereby notice of intended marriage was directed to be accepted, however making it clear that registration of the marriage can only be with the permission of this Court.

4. The learned Government Pleader points out that, there is no infrastructure to cause the notice of marriage to be published in the concerned foreign country in terms of Section 3 of the Special Marriage Act. It was in the said circumstances that, the petitioner was instructed to produce a 'Single Status Certificate' issued by the competent authority of the concerned country.

5. Today, when the matter is taken up for consideration, the learned counsel for the petitioner points out that, necessary certificate in this regard has already been obtained and that the petitioner is ready to produce the same before the concerned Registering Authority. A copy of the said Certificate dated 17.12.2014 is produced before this Court, which is styled as a **'No-impediment Certificate'** to the effect that the concerned person, with whom the petitioner intends to marry, is not prevented from contracting marriage in any manner. This being the position, there will be a direction to the 3rd respondent to take further steps to cause the intended marriage to be registered, between the petitioner and the intended person, in terms of the relevant provisions of law, subject to production of the original of the above 'No-impediment Certificate' before the said respondent

and on satisfaction of all the requirements under the Special Marriage Act.

The writ petition is disposed of accordingly.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 3rd respondent, for further steps.

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

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