

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(C).No. 27839 of 2015 (D)

PETITIONER(S):

1. SASIKUMAR, AGED 62 YEARS,
S/O.G.N.M.PILLAI, NO.32, NCC NAGAR, 11/56,
KUDAPPANAKKUNNU, PEROORKADA,
THIRUVANANTHAPURAM - 695005.
2. JEANNE MARIE GESCHER,
D/O.JOHN CLAYDON, AGED 57,
ISLE OF STAYE BROAD FORD, SCOTLAND,
PRESENTLY RESIDING AT 10 D-SFS FAIRWAY,
GOLF LINKS ROAD KOWDIAR,
THIRUVANANTHAPURAM - 695003.

**BY ADVS.SRI.MOHAN JACOB GEORGE
SMT.P.V.PARVATHI
SMT.REENA THOMAS
SRI. J.S.SABU**

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
REGISTRATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001.
2. INSPECTOR GENERAL OF REGISTRATION,
KERALA, VANCHIYOOR,
THIRUVANANTHAPURAM - 695035.
3. SUB REGISTRAR/MARRIAGE OFFICER,
PATTOM, THIRUVANANTHAPURAM - 695025.

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1: COPY OF THE ELCTORAL ID CARD OF THE FIRST PETITIONER.
- P1 A: COPY OF THE RELEVANT PORTION OF THE PASSPORT ISSUED TO THE SECOND PETITIONER.
- P2: COPY OF THE JUDGEMENT DATED 12.06.2012 IN OP(HMA) NO.1471/2011 OF THE HON'BLE FAMILY COURT, THIRUVANANTHAPURAM.
- P2 A: COPY OF THE DECREE DATED 24.08.2001 OF THE PRINCIPAL REGISTRY OF THE FAMILY DIVISION OF THE HIGH COURT OF JUSTICE, LONDON.
- P2 B: COPY OF THE DULY NOTARIZED AFFIDAVIT OF THE SECOND PETITIONER.
- P3: COPY OF THE NOTICE SUBMITTED BY THE 1ST PETITIONER TO THE THIRD RESPONDENT AS STIPULATED UNDER SECTION OF THE SPECIAL MARRIAGE ACT, 1954.
- P4: COPY OF THE PROCEEDING NO./15 DATED 03.08.2015 OF THE THIRD RESPONDENT.

RESPONDENTS' EXHIBITS: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 27839 of 2015

Dated this the 15th day of September, 2015

J U D G M E N T

The 1st petitioner is an Indian citizen. The 2nd petitioner is a foreign national of the United Kingdom. The 1st petitioner approached the Marriage Officer to register the marriage under Special Marriage Act. It appears that Marriage Officer refused to receive notice of marriage, being the 2nd petitioner is a foreign national.

2. This Court in several judgments have held that there is no impediment in registering the marriage of an Indian citizen with a foreign national under the Special Marriage Act. However, for want of Marriage Officer, in the country of foreign national, it is not possible to serve notice of marriage under special marriage Act. This Court in similar circumstances, has ordered in many cases to rely upon the single status of the foreign national to register the marriage.

3. In that view of the matter, notice of marriage shall be received by the Marriage Officer. Notice shall be reckoned as served on today. The marriage shall be registered within one month from today. However, before marriage, the petitioners shall produce the necessary documents substantiating the single status of the foreign national.

The writ petition is disposed of as above.

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/