

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C).No. 31469 of 2015 (G)

PETITIONER :

**JOSEPH K THOMAS, AGED 30 YEARS,
S/O. DR. THOMAS JOHN, 3/A, J.M. PALACE,
TRIPUNITHURA - 682301**

**BY ADVS.SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM
SMT.K.R.MONISHA**

RESPONDENT :

**THE MARRIAGE OFFICER UNDER THE SPECIAL MARRIAGE ACT
(THE SUB REGISTRAR) TRIPUNITHURA - 682301**

BY GOVERNMENT PLEADER SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 31469 of 2015 (G)

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE OF THE PETITIONER DATED NIL.**
- P2: COPY OF THE CERTIFICATE OF REGISTRATION AS OVERSEAS CITIZEN ISSUED TO THE PETITIONER DT 11/4/2014.**

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 31469 of 2015

Dated this the 15th October, 2015

JUDGMENT

Petitioner, who is a USA citizen, wants to marry an Indian National. He is an Indian origin. The petitioner has approached the registering authority under the Special Marriage Act to register the marriage. On account of non acceptance of notice, the petitioner has approached this Court.

2. In several decisions of this Court it has been held that there is no impediment for an Indian citizen to marry a foreign national under the Special Marriage Act on production of single status of the foreign national.

Therefore, if the petitioner is able to produce necessary documents showing that he is a single and he has no impediment, the marriage shall be registered under the Special Marriage Act. The notice of marriage shall be reckoned as on today and the marriage shall be registered on production of the certificate as stated above, on expiry of 30 days from today.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs15/10/15