

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

WP(C).No. 35550 of 2015 (P)

PETITIONER(S):

**ANJANA SUKUMARI, AGED 34 YEARS,
D/O. SUKUMARY, THIRUMANASSERIL, VEEYAPURAM P.O.
ALAPPUZHA DISTRICT, KERALA
REPRESENTED BY HER POWER OF ATTORNEY HOLDER
MRS.P.SUKUMARI, W/O. LATE P.RAMAKRISHNAN PILLAI, AGED 70 YEARS,
THIRUMANASSERIL HOUSE, VEEYAPURAM P.O.,
CHERUTANA VILLAGE, KARTHIKAPILLY TALUK,
ALAPPUZHA DISTRICT-690 514.**

BY ADV. SMT.K.M.RASHMI (PARAVOOR)

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF REGISTRATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE INSPECTOR GENERAL OF REGISTRATION,
VANCHIYOOR, THIRUVANANTHAPURAM-695 035.**
- 3. THE SUB REGISTRAR (MARRIAGE OFFICER),
SUB REGISTRAR OFFICE, HARIPAD, ALAPPUZHA DISTRICT.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE POWER OF ATTORNEY DTD.18.8.2015.**
- P2 : COPY OF THE PASSPORT OF THE PETITIONER.**
- P3 : COPY OF THE PASSPORT OF ANTONIO RENE WARREN.**
- P4 : COPY OF THE DIVORCE ORDER DTD.1.11.2013.**
- P5 : COPY OF THE AFFIDAVIT DTD.5.8.2015.**
- P6 : COPY OF THE APPLICATION.**
- P7 : COPY OF THE POSTAL RECEIPT DTD.11.6.2015.**
- P8 : COPY OF THE REPLY DTD.26.6.2015.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.35550 of 2015

Dated this the 24th day of November, 2015

JUDGMENT

The petitioner is an Indian citizen. She is now working in Thailand. She intends to marry a foreign national having citizenship of U.S. She gave a notice of marriage through the Power of Attorney holder under the Special Marriage Act. Ext.P6 is the notice. The notice was given on 11.6.2015. This was rejected by Ext.P8 noting certain defects and also on the ground that a circular has been issued by the registration Inspector General.

This Court in several judgments held that the Indian citizen is entitled to marry a foreign citizen in accordance with the Special Marriage Act on proof of single status of the foreign national. Further, the address shown in the notice is the permanent address of the petitioner, there is no embargo for registering the marriage within the jurisdiction of permanent residence. In the light of the above, Ext.P8 is set aside. However, the petitioner shall cure any other defect noted. If the petitioner cures the other defect noted in

Ext.P8, the petitioner shall be permitted to marry a foreign citizen in accordance with the Special Marriage Act. In view of the fact that notice of marriage was given on 11.6.2015, the petitioner shall be permitted to register the marriage any day after this judgment on condition that the petitioner shall cure the defects and produce necessary documents to show the single status of the foreign national.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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