

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

WP(C).No. 37658 of 2015 (F)

PETITIONER :

**K.SATISH CHANDRAN NAIR, AGED 62 YEARS,
S/O.K.K.NAIR, ANANDALE, KKRA 22,
OPP: GOVERNMENT COLLEGE, KARYAVATTOM,
KAZHAKUTTOM- MENAMKULAM (PART), THUNDATHIL-
THIRUVANANTHAPURAM, KERALA-695 581.**

**BY ADVS.SRI.NAIR AJAY KRISHNAN
SRI.R.T.PRADEEP
SMT.M.BINDUDAS**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM-695 001**
- 2. KERALA REGISTRATION INSPECTOR GENERAL,
OFFICE OF KERALA REGISTRATION INSPECTOR GENERAL,
THIRUVANANTHAPURAM-695 001**
- 3. MARRIAGE OFFICER/SUB REGISTRAR,
SUB REGISTRAR OFFICE, KAZHAKUTTOM,
THIRUVANANTHAPURAM-695 581**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE NOTICE OF INTENDED MARRIAGE UNDER SECTION 5 OF THE SPECIAL MARRIAGE ACT.**
- P2 COPY OF THE ACKNOWLEDGEMENT FOR SOLEMNIZATION OF MARRIAGE WHICH CONTAIN THE ENDORSEMENT FOR RETURN OF EXHIBIT P1 ON ITS REVERSE SIDE DATED 4/12/2015 BY 3RD RESPONDENT.**
- P3 COPY OF THE MEMORANDUM DATED 16/5/1989 FOR REGISTRATION OF DIVORCE.**
- P4 COPY OF THE REGISTRATION OF DIVORCE DATED 16/5/1989 PURSUANT TO EXHIBIT-P1**
- P5 COPY OF THE CERTIFICATE DATED 26/5/1989 BY WHICH THE BRIDE CHANGED HER NAME TO 'ANONGNAT'**
- P6 COPY OF THE CERTIFICATE DATED 23/12/1991 BY WHICH THE BRIDE CHANGED HER NAME TO 'PRAPHAPHON'**
- P7 COPY OF THE CERTIFICATE DATED 8/10/2010 BY WHICH THE BRIDE CHANGED HER NAME TO 'NUTHAPAPHA'**
- P8 COPY OF THE CERTIFICATE DATED 17/12/2010 BY WHICH THE BRIDE CHANGED HER NAME TO 'CHATTHAMON'.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C).No.37658 of 2015

Dated this the 11th Day of December, 2015

J U D G M E N T

The petitioner is an Indian citizen, wants to marry a foreign national having citizenship of USA. He has approached this Court on account of non acceptance of notice under the Special Marriage Act.

2. In view of the several judgments of this Court in similar circumstances, there is no impediment for Indian citizen to marry a Foreign citizen under the Special Marriage Act. Therefore, the following directions are issued:

- i. The respondents shall receive notice of Marriage under the Special Marriage Act.
- ii. Notice of marriage shall be reckoned as on 04/12/2015, the date of original submission of the notice.

iii. Marriage shall be registered on the expiry period of 30 days from today in accordance with the provisions of the Special Marriage Act.

iv. The petitioner, before registration of marriage, shall produced necessary credible documents to show the single status of the Foreign National to the satisfaction of the Marriage Officer.

The writ petition is disposed of, as above.

Sd/-

**A.MUHAMED MUSTAQUE
JUDGE**

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