

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.7844 of 2013

Taiba Kouser Pallan

... Petitioner

Vs.

The Sub Registrar
Veniyambadi
Vellore District.

... Respondent

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to accept the Memorandum for registration of the petitioner's marriage in Form 1-A and consequently direct the respondent to register the petitioner's marriage with Khateeb Nayeem Ahmed, which took place according to the petitioner's (Muslim) personal law, which was solemnized on 05.05.2012 with the respondent's marriage register in accordance to law and direct the respondent to issue marriage certificate to the petitioner.

For Petitioners : Mr.C.P.Sivamohan

For Respondent : Mr.R.Govindasamy

Additional Government Pleader

O R D E R

Heard Mr.C.P.Sivamohan, learned counsel appearing for the petitioner and Mr.R.Govindasamy, learned Additional Government Pleader appearing for the respondent.

2.The petitioner is the wife of Khateeb Nayeem Ahmed and she has filed this writ petition to direct the respondent to accept the Memorandum for registration of the petitioner's marriage in Form 1-A and to direct the respondent to register the petitioner's marriage with Khateeb Nayeem Ahmed, which which was solemnized according to their personal law on 05.05.2012.

3.The petitioner would seek for registration of the marriage since it is compulsory in terms of the provisions of the Tamil Nadu Registration of Marriage Act, 2009 vide Act 21 of 2009.

4.It is stated that the petitioner and her husband approached for registration of their marriage which was solemnized on 05.05.2012, but the respondent declined to entertain the requisition for registration on the only reason that the marriage should be registered by presenting a memorandum for registration of marriage in Form IA within 90 days from the date of marriage and if the memorandum for registration of marriage was not presented within 90 days, it should

have been presented within a period of 60 days thereafter, i.e., within 150 days from the date of marriage.

5.The petitioner would state that their marriage took place on 05.05.2012 and since the petitioner's husband was working in a Information Technology Company based at Bangalore, he was offered a job abroad and there were certain other reasons owing to which the petitioner could not approach the Authority within the said time limit.

6.In my view, merely because the time limit has expired as stipulated, it does not confer any jurisdiction to cancel the application for registration. If the time limit had expired, the Registration of Marriage Act does not state that the respondent would become functus officio. Even assuming that the statute prescribes a time limit, if sufficient cause is shown, the provisions of the Limitation Act could be made applicable and the application for registration could be entertained. This Court is satisfied with the reasons assigned by the petitioner for not being able to appear for registration within the 150 days period and the cause shown is just and reasonable.

7.In the light of the above, there will be a direction to the petitioner as well as her husband to appear before the respondent along with a copy of this order and the relevant documents and as and when petitioner and her husband appear before the respondent along with copy of the order and other original documents evidencing their marriage solemnized on 05.05.2012, the respondent shall accept the same, register the marriage and issue necessary within a period of two weeks from the date on which the registration is completed.

8.This writ petition is disposed of with the above observations. No costs.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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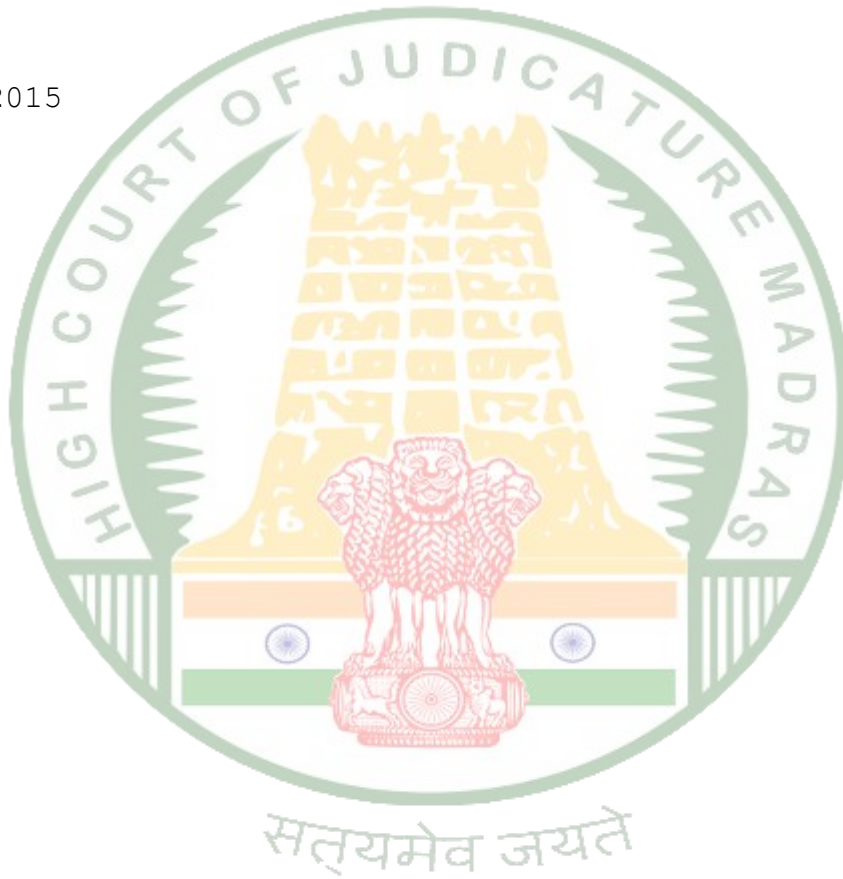
To

1.The Sub Registrar
Veniyambadi
Vellore District.

1 cc to Mr.C.P.Sivamohan ,Advocate, SR.No.13065

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rj (co)
pmk.11.3.2015



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