

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition No.35826 of 2015

R.Shanthi Priya

... Petitioner

Vs.

1. The Sub-Registrar,
SRO, Arakkonam,
Tamil Nadu 631 001.

2. S.Venkatesan

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Declaration to declare the marriage certificate relating to the petitioner and the second respondent entered as Marriage Serial No.84/2014 dated 30.04.2014 on the file of the first respondent as illegal, null and void abinitio and not binding on the petitioner.

For Petitioner : Mr.T.C.S.Raja Chockolingam

For Respondents : Mr.Subbiah
Special Government Pleader for R1

Mr.V.Vinothkumar for R2

ORDER

This writ petition has been filed by the petitioner seeking a writ of declaration to declare the marriage certificate relating to the petitioner and the second respondent entered as Marriage Serial No.84/2014 dated 30.04.2014 on the file of the first respondent as illegal, null and void ab initio.

2. The sum and substance of the writ petition is that without the knowledge of the petitioner and without following the procedure, the registration of the marriage has been effected. The learned counsel appearing for the petitioner submitted that the first respondent has not followed the procedure in ascertaining the factum of the marriage. The petitioner was made to believe that she has signed the document only as a witness.

3. Both the petitioner and the second respondent are present before this Court. They have also reiterated the stand of the petitioner as made out in the affidavit filed in support of the writ petition. The affidavit filed by the second respondent also concurs with it.

4. Considering the above, this Court is of the view that it would be just and proper to allow the writ petition, though no counter affidavit has been filed so far by the first respondent. Therefore, taking note of the above said peculiar facts, the writ petition is allowed by declaring the marriage certificate pertaining to the petitioner and the second respondent dated 30.04.2014 registered in Marriage Serial No.84/2014 on the file of the first respondent as illegal and not binding on the petitioner and the second respondent. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

raa

To

1. The Sub-Registrar,
SRO, Arakkonam,
Tamil Nadu 631 001.

+1cc to Mr.T.C.S.Raja Chockolingam, Advocate, S.R.No.66433

+1cc to the Government Pleader, S.R.No.65955

W.P.No.35826 of 2015

AK(CO)
CA(18/12/2015)