

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P. No.29742 of 2013

Audrey Martina

.. Petitioner

v.

The Registrar General of Births,
Deaths and Marriages,
Santhome High Road,
Chennai-600 028.
(cause title amended as per
order dt. 17.12.2013)

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the entire records in Lr. No.50195/G2/2012 dated 19.10.2012 from the file of the respondent and to quash the same and to further direct the respondent to make an entry in the Register of Births, Deaths and Marriages maintained at his office, cancelling the Marriage Certificate in Sl.No.69 dated 14.02.2009 issued by the ICM (Indian Christian Marriage) Marriage Registrar Rev. A.M.Cedric Beno and make suitable entries therefor in the register of marriages maintained at his office on the basis of the judgment and decree dated 13.12.2010 in O.S. No.90 of 2009 on the file of the Principal Family Court, Chennai.

For petitioner : Mr.D.Shivakumaran

For respondent : Mr.R.Vijayakumar, AGP

ORDER

Heard Mr.D.Shivakumaran, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondent.

2.The petitioner seeks for issuance of writ of certiorarified mandamus to quash the order passed by the respondent dated 19.10.2012 and to make proper entry in the register of Births, Deaths and Marriages maintained in the office of the respondent by cancelling the Marriage Certificate in Sl.No.69 dated 14.02.2009 issued by the ICM (Indian Christian Marriage) Marriage Registrar Rev. A.M.Cedric

Beno and by taking into consideration the judgment and decree dated 13.12.2010 in O.S. No.90 of 2009 on the file of the Principal Family Court, Chennai.

3.The petitioner would state that one B.Prabu kidnapped the petitioner and created documents with connivance of one Rev.A.M.Cedric Beno as if the petitioner was married to him, based on the certificate issued by Rev.A.M.Cedric Beno. The petitioner filed a suit in O.S. No.90 of 2009 on the file of the Principal Family Court, Chennai to declare the marriage dated 14.02.2009 between her and the said Prabhu as null and void and the marriage certificate bearing Sl.No.69 of the Marriage Register, issued by the Rev.A.M.Cedric Beno, who was the second defendant in the suit, was duly cancelled. The said Prabhu filed his written statement opposing the averments made in the suit. The Family Court, Chennai passed a judgment and decree on 13.12.2010 by which the marriage was declared as null and void and the certificate was also duly cancelled. Now the petitioner seeks for direction to make proper entry in the register of Births, Deaths and Marriages maintained in the office of the respondent.

4.However, the respondent has misunderstood the petitioner's request and rejected the same, as if the petitioner seeks cancellation of the registration. The request made by the petitioner is for effecting the proper entry in the register pursuant to the judgment and decree in O.S. No.90 of 2009.

5.In the light of the above, the impugned order cannot be sustained and accordingly the same is set aside and the matter is remitted to the respondent for fresh consideration. The respondent shall taking into consideration the decree passed by the Civil Court in which the marriage solemnised between the petitioner and the said Prabhu was cancelled and make proper entry in the register stating that the marriage has been cancelled and the certificate has also been declared as null and void, within a period of four weeks from the date of receipt of a copy of this order.

6.In the result, the writ petition is allowed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

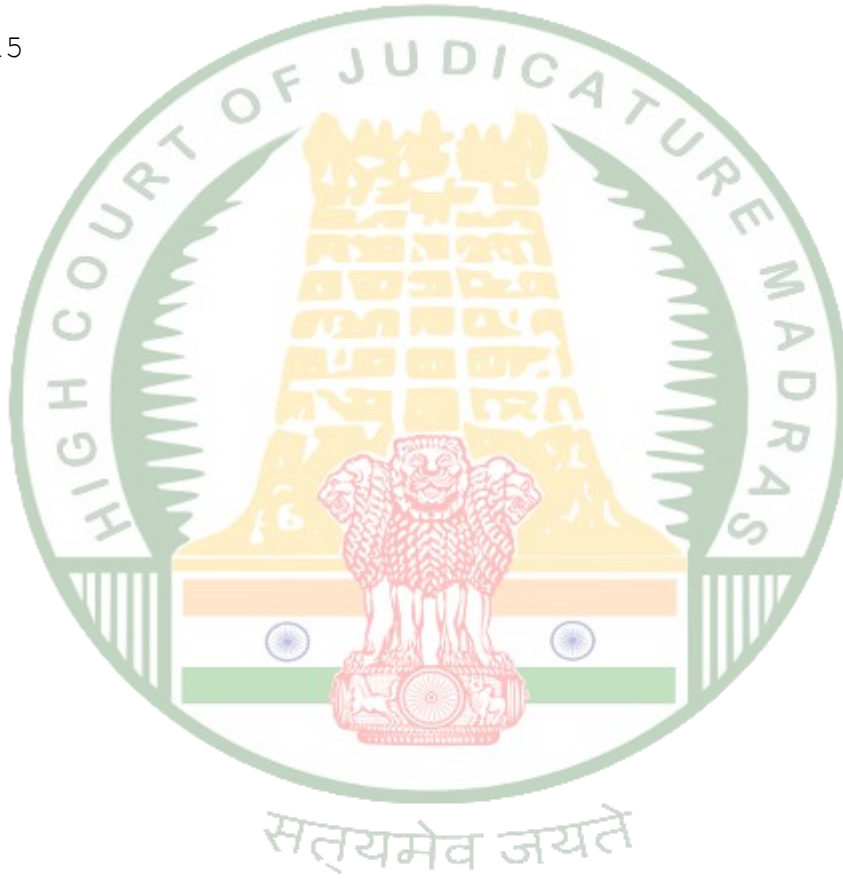
To

The Registrar General of Births,
Deaths and Marriages,
Santhome High Road,
Chennai-600 028.

+ 1 cc to Government Pleader Sr.13581

W.P. No.29742 of 2013

KM(CO)
Eu 25.03.15



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