



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 3469 2019

and

W.M.P. (MD) No. 2734 of 2019

C.K.Roja

... Petitioner

Vs.

1. The Inspector General of Registration,
100, Santhome High Road,
Chennai-600 028.

2. The Marriage Registrar cum
Sub Registrar,
Nilakottai Sub Registrar Office,
Nilakottai,
Dindigul District.

3. P. Balamurugan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari and Mandamus, to call for the records pertaining to the Certificate of Registration of records pertaining to the Certificate of Registration of Marriage SI.No.733/2018, dated 03.01.2019 on the file of the second respondent and quash the same and consequently, direct the first respondent to delete and remove the same from the Marriage Register within a period stipulated by this Court.

For Petitioner : Mr.M.S.Suresh Kumar

For R1 & R2 : Mr.M.Murugan
Government Advocate

For R3 : Mr.B.Thanga Aravindh

ORDER

The petitioner seeks quashing of the impugned marriage registration.

2. As per the impugned certificate of registration of marriage, the marriage between the petitioner and the third respondent was said to have been solemnized on 14.12.2018 at



Nilakottai Mariamman Kovil.

3.The learned counsel for the petitioner would state that no such marriage took place and that is why, she has come forward to file this writ petition. The third respondent has been served and he had also entered appearance through his counsel.

4.When the matter was listed Yesterday, the third respondent's counsel was not present but the third respondent was present in person. He contended that he had moved the Family Court seeking the relief of restitution against the writ petitioner.

5.This Court posed a specific question to the third respondent as to whether there is any proof that the marriage in question was solemnized as stated in the certificate. The third respondent frankly told this Court that he is not possessing any proof of such marriage. The third respondent appears to be under the impression that in view of the impugned registration, no further proof is necessary. This Court had to tell him that there is a distinction between civil marriage and sacramental marriage. Civil marriage is performed before the marriage Registrar. Not so in the case of sacramental marriage. The sacramental marriage is performed elsewhere and it is only registered before the registering authority. When it is alleged that there was no performance of marriage between the petitioner and the third respondent, the third respondent is obliged to substantiate the same. The third respondent is not in a position to substantiate his claim that marriage actually took place between him and the writ petitioner.

6.It is not as if, such relief is sought for the first time. In a number of cases, this Court had quashed such registrations.

7.The learned counsel appearing for the writ petitioner has enclosed quite a few such orders in the typed set of papers.

8.Since in this case the third respondent himself had stated before me that he is not having any proof to rebut the assertion made by the petitioner in her affidavit, the impugned registration stands quashed. The writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)



To

1. The Inspector General of Registration,
100, Santhome High Road,
Chennai-600 028.

2. The Marriage Registrar cum
Sub Registrar,
Nilakottai Sub Registrar Office,
Nilakottai,
Dindigul District.

+1 CC to M/s.M.S.SURESH KUMAR, Advocate in SR-63502

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rmi
PK/13.05.2019 : 3P/4C

27.04.2019