



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.11218 of 2020

and

WMP(MD)Nos.9809 & 9812 of 2020

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T.Elangamami

... Petitioner

Vs.

1. The Sub Registrar,
Office of the Sub Registration Office,
Nilakkottai Sub Registration,
Nilakkottai,
Dindigul District.

2.A.Padmanaban

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned Marriage Registration Certificate issued by the first respondent in HMR/NILAKKOTTAI/112/2019 dated 06.06.2019 and quash the same.

For Petitioner : Mr.A.S.Vaigunth
For R1 : Mr.K.Sathiya Singh
Additional Government Pleader

O R D E R

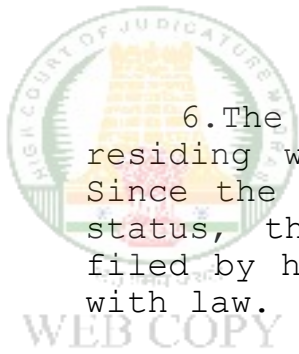
Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the first respondent.

2.Considering the nature of relief to be granted in the writ petition, notice to the second respondent is dispensed with.

3.The petitioner states that at no point of time, she got married to the second respondent herein. According to her, the impugned marriage registration certificate is a fraudulent document. The petitioner called upon the first respondent to cancel the same. But the first respondent declined to do so and called upon the petitioner to move the jurisdictional Court.

4.When the petitioner filed a petition before the Sub Court, Sivakasi, the said petition could not be numbered. Therefore, the writ petition has been filed.

5.I am of the view that the impugned order cannot be faulted. There are certain factual disputes. Therefore, the petitioner has to necessarily move the jurisdictional Court for relief.



6.The petitioner's counsel states that the petitioner is residing within the jurisdictional limit of Sub Court, Sivakasi. Since the petitioner seeks a declaration in respect of her marital status, the Sub Court has to necessarily entertain the petition filed by her and adjudicate the matter on merits and in accordance with law.

7.The petitioner is directed to resubmit the HMOP.SR.No.5134 of 2019 before the Sub Court, Sivakasi. The said Court is directed to number the same and dispose it of on merits and in accordance with law. I make it clear that I have not gone into the merits of the matter. It is for the jurisdictional Court to take a decision in this case.

8.With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dss

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Sub Registrar,
Office of the Sub Registration Office,
Nilakkottai Sub Registration,
Nilakkottai,
Dindigul District.

+1 CC to M/s.SPL GP (SR-16475[F] dated 10/09/2020)

+1 CC to M/s.A.S. VAIGUNTH, Advocate (SR-16730[F] dated 14/09/2020)

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KB(16.09.2020) 2P 4C