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W.P.No.9256 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.9256 of 2018

A.Fathima Parveen

... Petitioner

Vs

1.The Sub-Registrar,
Office of the Registrar of Marriage,
Mettupalayam, Nilgiris District.

2.M.Yakub Ali

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the first respondent to issue certificate of cancellation of marriage based on the decree passed by the District Munsif-cum-Judicial Magistrate Court, Mettupalayam in O.S.No.311 of 2017 dated 25.01.2018 within a stipulated time.

For Petitioner : No appearance

For Respondents :

For R1 : Mr.E.Sundaram
Government Advocate



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ORDER

There is no representation on behalf of the petitioner. The notice on the private respondent/second respondent, who appears to be the petitioner's husband has remained unserved as on date. No counter has been filed by the respondents.

2. The petitioner has filed this Writ Petition for a Mandamus, to direct the first respondent to issue certificate of cancellation of marriage based on the decree passed by the District Munsif-cum-Judicial Magistrate Court, Mettupalayam, Nilgiris District in O.S.No.311 of 2017 dated 25.01.2018 within a stipulated time.

3. It appears that the petitioner and the private respondent/second respondent were married and their marriage was solemnized on 29.08.2012 and subsequently got divorced through Jamath Proceedings on 03.10.2016. For validating the divorce granted by the Jamathars, the petitioner has filed a petition before the District Munsif-cum-Judicial Magistrate Court, Mettupalayam, Nilgiris District, which was allowed on 25.01.2018 in O.S.No.311 of 2017. Thereafter, the petitioner has sent a representation to the first respondent the sub-registrar for issuance of Certificate of cancellation of



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marriage. However, the first respondent has not issued the Certificate. Hence,

the present writ petition.

4. I have considered the affidavit filed in support of the present writ petition and the submission of the learned Government Advocate for the official respondent.

5. The marriage between the petitioner and the private respondent/second respondent was not a registered marriage before the first respondent, the sub-registrar. Therefore, the question of registering the cancellation of such marriage by the official respondent namely the sub registrar does not arise.

6. The Judgment and Decree dated 25.01.2018 passed by the District Munsif-cum-Judicial Magistrate Court, Mettupalayam, Nilgiris District in O.S.No.311 of 2017 would suffice. Therefore, there is no merits in the present writ petition.

C.SARAVANAN, J.



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7. This Writ Petition is dismissed with the above observations. No costs.

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Index: Yes/No
Speaking/Non-Speaking Order

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To

- 1.The Sub-Registrar,
Office of the Registrar of Marriage,
Mettupalayam, Nilgiris District.
- 2.The District Munsif-cum-Judicial Magistrate Court,
Mettupalayam, Nilgiris District.

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