



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3094 of 2022

Annamalai

... Petitioner

/Vs./

1.The District Registrar,  
Karaikudi.

2.The Joint Sub Registrar No.1,  
Karaikudi.

3.Sithaletchumi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 1 and 2 herein to cancel the registration of the so called marriage dated 1/9/2021, which was never solemnized between petitioner and the 3rd respondent, issued in Form III under Rule 5(7) of the Tamilnadu Registration of Marriage Rules 2009 in Marriage SI.No.TMR/Karaikudi/Joint I/146/2021, on the file of the 2nd respondent herein, forthwith and remove and delete the entries of registration in that regard and to issue a certificate of cancellation in that regard.

|                |                                                  |
|----------------|--------------------------------------------------|
| For Petitioner | : Mr.VR.Shanmuganathan                           |
| For R1 & R2    | : Mr.S.Shanmugavel<br>Special Government Pleader |
| For R3         | : Mr.S.Manikandan                                |

**ORDER**

The petitioner seeks for cancellation of marriage certificate on the ground that subsequent to the issuance of marriage certificate, the husband of the third respondent has preferred an appeal, which is pending on the file of the Principal Seat of this Court and therefore, the petitioner is not inclined to marry the third respondent, as per the impugned marriage certificate.

2.The petitioner as well as the third respondent have filed separate affidavits before this Court stating that the marriage never got consummated and they are jointly seeking for cancellation of the marriage certificate, which is impugned in this writ petition. Since the appeal filed by the husband of the third respondent in CMA Nos.1564 & 1565 of 2021 was filed within the statutory period of ninety days, there cannot be another marriage.



Therefore, this Court is of the considered view that the marriage certificate issued by the second respondent, which is challenged in this writ petition ought not to have been issued. The third respondent cannot legally have two husbands at the same time.

3. Therefore, after recording the affidavits of the petitioner as well as the third respondent that they are not interested to get married, as per the marriage certificate issued by the second respondent and in view of the fact that any marriage by the third respondent before the dissolution of the earlier marriage is illegal, the impugned marriage certificate has to be necessarily quashed and the writ petition will have to be allowed.

4. Both the petitioner as well as the third respondent are personally present before this Court today and they have also reiterated their contentions stated in their respective affidavits filed before this Court. Accordingly, the impugned marriage certificate dated 01.09.2021 issued by the second respondent, which is the subject matter of this writ petition is hereby cancelled. This Writ Petition is allowed. There shall be no order as to costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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**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

1. The District Registrar, Karaikudi.

2. The Joint Sub Registrar No.1, Karaikudi.

+1 CC to M/s.VR.SHANMUGANATHAN, Advocate ( SR-9939[F] dated 04/03/2022 )

+1 CC to M/s.SPL GP ( SR-10200[F] dated 04/03/2022 )

**W.P. [MD]No.3094 of 2022**

**Dated: 03.03.2022**

RK(17/03/2022) 2P 5C