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W.P.No.4155 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2025

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.4155 of 2024

RAGHUL PREMKUMAR

..Petitioner

Vs.

1 THE INSPECTOR GENERAL OF REGISTRATION
NO.100 SANTHOME HIGH ROAD
PATTINAPAKKAM SANTHOME RAJA ANNAMALAI PURAM
CHENNAI 600 028

2 THE SUB REGISTRAR
NO 38 3RD MAIN ROAD RAM NBAGAR,
JAGANNATHAPURAM, VELACHERY,
CHENNAI 600 042.

...Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to cancel the Marriage Certificate No.815 of 2017 dated 03.11.2017 of the petitioner by making a footnote in the marriage certificate under the seal and signature of the 2nd respondent.

For Petitioner : Mr.V.V.Giridhar
For Respondents : Mr.V.Baranidharan,
Special Government Pleader



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Order

The petitioner has filed this Writ Petition for issuance of a mandamus on the respondents to cancel the Marriage Certificate No.815 of 2017 dated 03.11.2017 of the petitioner by making a footnote in the marriage certificate under the seal and signature of the 2nd respondent.

2. Mr.V.V.Giridhar, learned counsel appearing for the petitioner would submit that the marriage between the petitioner, Raghul Premkumar and his wife, Mrs.Swati Gaekwad was dissolved vide a Judgment rendered by a Foreign Court, i.e. Superior Family Court of California, on 01.02.2021 that after the dissolution of marriage, the petitioner came back to India and has given a representation dated 08.08.2023 to the second respondent, viz., Sub-Registrar, Velachery, Chennai,(where, the marriage was earlier got registered) annexing all required documents and sought for cancellation of the marriage certificate, however, the second respondent refused to consider the petitioner's representation. Hence, the present Writ Petition.

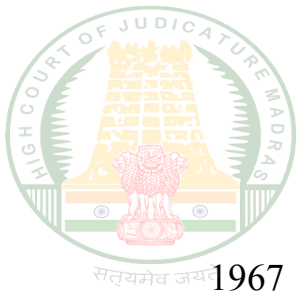


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2.1 It is the contention of the learned counsel for the petitioner that the petitioner, after having obtained certified copies of Dissolution of Judgement, and Settlement Agreement from the Superior Court of California, approached the Secretary of State, Sacramento, USA, to issue Apostille Certificate; thereafter, based on such Apostille Certificate, the petitioner approached Consulate General of Indian, San Francisco (USA) and submitted the Apostilled Court Documents for attestation, seal and signature on 14.07.2023, which is in terms of the Section 86 of the Indian Evidence Act, and based on all such documents, approached the second respondent seeking for cancellation of the earlier marriage certificate, however, such prayer was not considered by the second respondent by stating that the genuineness of the judgment rendered by a Foreign Court remains unclear and therefore, asked the petitioner to approach the Court of law seeking necessary relief.

3. On the other hand, Mr.V.Baranidharan, learned Special Government Pleader for respondents would submit that as there is no provisions under the Tamil Nadu Hindu Marriage (Registration) Rules,



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1967 to cancel the marriage certificate, the second respondent has rightly refused to consider the representation made by the petitioner, however, he suggested that the petitioner can seek for registration of the Judgment rendered by the Foreign Court, dated 01.02.2021, as regards the Dissolution of Marriage between the petitioner and his wife, and if the petitioner apprehends that any dispute may arise in future based on their earlier marriage, the petitioner is entitled to challenge the same in the manner known to law based on the Foreign Judgment.

4. In reply, the learned counsel for the petitioner would submit that the petitioner has restricted his relief and he would be satisfied if a direction is issued to the second respondent to register the Foreign Judgment rendered by the Superior Court of California dated 01.02.2021.

5. I have given due consideration to the submission made by the learned counsel for the petitioner as also the learned Special Government Pleader for respondents and perused the materials placed on record.



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6. It is an undisputed fact that the petitioner, Ragul Premkumar got married to one Swati Gaekwad on 30.10.2017 at Karur, as per Hindu Rites and Ceremonies and the said marriage got registered in the office of the Sub-Registrar, Velachery, Chennai, viz., the second respondent as per the Tamil Nadu Hindu Marriage (Registration) Rules, 1967 vide Marriage Certificate, bearing No.815 of 2017, dated 03.11.2017. After the marriage, both the petitioner and his wife moved to California for better prospects and career, but, due to some misunderstanding, both the parties opted for Dissolution of Marriage by mutual consent and accordingly, obtained a Judgement in their favour before the Superior Family Court of California, USA dated 01.02.2021.

6.1 After obtaining a Judgement from a Foreign Court, the petitioner came back to India and in order to avoid to any future complications that may arise based on their earlier marriage, perhaps, apprehending that his erstwhile wife may raise any dispute seeking alimony or any other allied issues, the petitioner intends to record the dissolution of marriage in the Sub-Registrar Office, where, their marriage was earlier got registered, and



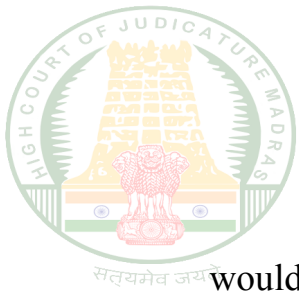
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accordingly, the petitioner made a representation dated 08.08.2023 seeking for cancellation of marriage. However, the said request made by the petitioner was not acceded to by the second respondent, inasmuch as, in terms of the Tamil Nadu Hindu Marriage (Registration) Rules, 1967, there is no provisions under the statute for cancellation of the marriage certificate.

6.2 However, during the course of arguments, the learned Special Government Pleader came out with a suggestion that though the petitioner cannot seek for cancellation of the marriage certificate, much less, what the petitioner could seek for, in order to avoid future complication that may arise due to his erstwhile wife, is for registration of the Judgement rendered by a Foreign Court as regards their dissolution of marriage, and if any dispute arise, it is upto the parties to challenge the same in the manner known to law based on such Foreign Judgement

6.3 Heeding to the suggestion putforth by the learned Special Government Pleader, the learned counsel for the petitioner submitted that the petitioner has now confined his relief and stated that the petitioner



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would be satisfied if a direction is issued to the extent, directing the respondent-Authorities for registration of the Foreign Judgment on the file of the Sub-Registrar, Chennai, viz., the second respondent.

6.4 However, on the aspect under what situation, the Foreign Judgement would not be conclusive, this Court feels that it would be apposite to refer to Sections 13 and 14 of the Code of Civil Procedure, which is extracted hereinbelow:-

Sec. 13 When foreign judgment not conclusive:-

" A foreign judgment shall be conclusive as to any matter thereby directly adjudicated upon between the same parties or between parties under whom they or any of them claim litigating under the same title except

(a) where it has not been pronounced by a Court of competent jurisdiction;

(b) where it has not been given on the merits of the case;

(c) where it appears on the face of the proceedings to be founded on an incorrect view of international law or a refusal to recognise the law of 2 [India] in cases in which such law is applicable;



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- (d) where the proceedings in which the judgment was obtained are opposed to natural justice;
- (e) where it has been obtained by fraud;
- (f) where it sustains a claim founded on a breach of any law in force in 2 [India].

14. Presumption as to foreign judgments.—

The Court shall presume upon the production of any document purporting to be a certified copy of a foreign judgment, that such judgment was pronounced by a Court of competent jurisdiction, unless the contrary appears on the record; but such presumption may be displaced by proving want of jurisdiction.

7. Thus, a reading of the above provisions makes it clear that, unless a situation arise, as was mentioned in Section 13, the Court has to presume, in terms of section 14, if any, certified copy of the Foreign Judgement is produced, as judgment rendered by a Court of competent jurisdiction.

8. Reverting back to the case on hand, the petitioner only seeks for registration of the Foreign Judgment as regards the dissolution of marriage between the petitioner and his wife dated 01.02.2021, and in the event, if



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any objection is raised on the other side, it is upto the parties to challenge such dispute before appropriate forum in the manner known to law.

9. In the light of the above facts and circumstances of the case, this Court is inclined to pass the following order;-

i) The petitioner is at liberty to approach the second respondent for registration of the Foreign Judgment rendered by the Superior Family Court of California, dated 01.02.2021, which shall be considered by the second respondent and appropriate steps towards registration of the said judgement in the register maintained in the Office of the second respondent be taken.

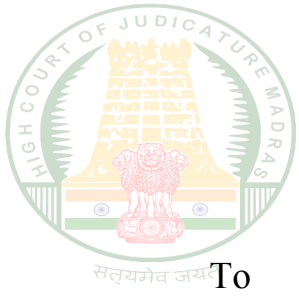
10. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : yes/no

Neutral Citation : yes/no



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