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**(2024) 02 KL CK 0040**

**In the High Court Of Kerala**

**Case No : Writ Petition (C) No. 4779 Of 2024**

Anna Carin Sunil

APPELLANT

Vs

State Of Kerala

RESPONDENT

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**Date of Decision :** 07-02-2024

**Acts Referred:**

**Citation :** (2024) 02 KL CK 0040

**Hon'ble Judges :** Devan Ramachandran, J

**Bench :** Single Bench

**Advocate :** Bimala Baby, Roshan Shaji, Magi Pavithran, Vidya Kuriakose

**Final Decision :** Allowed

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## Judgement

Devan Ramachandran, J

1. The petitioner is stated to be an Indian citizen who wants to marry a U.S citizen. She says that, though Ext.P8 "Single Status" statutory declaration was presented before the Registrar on behalf of her fiancé, her application for registration of marriage has been still not acceded to; thus constraining her to approach this Court, through this writ petition.

2. Sri.Roshan Shaji – learned counsel for the petitioner, submitted that the predicament of her client has been exacerbated because of Ext.P7 circular, which the second respondent appears to be relying upon, because it creates an impediment to the solemnization of marriage under the Special Marriage Act, 1954. She thus reiteratingly prayed that the reliefs sought for in this writ petition be granted.

3. However, pertinently, Smt.Vidya Kuriakose - learned Government Pleader, responded to the afore submissions of Sri.Roshan Shaji, saying that the issues involved in this case have already been answered by this Court in the judgment in W.P.(C) No.29331/2023. She added that the question of "Single Status" has been subsequently dealt with by the Government in its circular dated

05.09.2023, whereby, the fiance of the petitioner is only required to affirm, through an affidavit properly attested, that he continues to be single. She, therefore, prayed that this Court dispose of this matter, in terms of the afore judgment and circular.

4. The submissions of Smt.Vidya Kuriakose certainly clear the air of the petitioner. This Court does not, therefore, deem it necessary to enter into the merits of the petitioner's contentions any further because, the apprehensions voiced by her would stand allayed, if this Court follows the judgment earlier delivered.

In the afore circumstances, I allow this writ petition, leaving liberty to the petitioner to make sure that a duly attested Single Status affidavit by her fiance is made available before the third respondent, in support of the application for marriage; and as soon as it is done, the said Authority will register the requested marriage through online means, provided the petitioner is present personally, adverting to the specific directions of this Court in the judgment in W.P.(C) No.29331/2023. This shall be done without any avoidable delay, but not later than two weeks from the date on which the affidavit mentioned above is produced before the third respondent.