
(2013) 02 KL CK 0125
In the High Court Of Kerala
Case No : Writ Petition (C) No. 2154 of 2013

Faseela

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 06-02-2013

Acts Referred:

Citation : (2013) 2 KLJ 651

Hon'ble Judges : K. Surendra Mohan, J

Bench : Single Bench

Advocate : Anil D. Nair, J. Prem Navaz, R. Sreejith and Nivedita A. Kamath, for the Appellant; N. Nandakumara Menon P.K. Manoj Kumar and G. Gopakumar, for the Respondent

Judgement

K. Surendra Mohan, J.—The complaint of the petitioner is regarding Ext. P3 proceedings of the third respondent by which, an application to register the petitioner's marriage has been rejected. The reason for rejection of the petitioner's marriage is that she had not completed 18 years of age at the time of her marriage to Sulfikar. Adv. P.K. Manoj Kumar appears for the respondents.

2. The question as to whether an application for registration of marriage under the Registration of Marriages (Common) Rules, 2008 was considered by this Court in the decision reported in Mohammed Sajith Vs. Local Registrar of Marriages (Common), The issue has been concluded in paragraph 4 of the judgment as follows:-

The fact that the second petitioner was a minor at the time of marriage cannot disentitle the petitioners from getting their marriage registered, for the reason that the petitioners have been living together as husband and wife ever since and, no option of puberty has been exercised by the second respondent against the marriage. On the contrary, the conduct of the second petitioner in living together with the first petitioner indicates that she has exercised her option of puberty in favour of the marriage. She has also given birth to a boy child. Since the wedlock is subsisting, it is only appropriate that the marriage is registered by

following the procedure under Rule 10 of the Rules.

In view of the above dictum, the petitioner is entitled to succeed. This writ petition is accordingly allowed. Exts. P3 and P5 are set aside. The third respondent is directed to consider the petitioner's application afresh and to pass appropriate orders thereon, in accordance with the dictum of this Court referred to above, as expeditiously as possible and at any rate within a period of one month of the date of production of a copy of this judgment by the petitioner.