

(2004) 01 KL CK 0026
In the High Court Of Kerala
Case No : Writ Petition (C) No. 93 of 2004

John Roji

APPELLANT

Vs

Marriage Officer

RESPONDENT

Date of Decision : 05-01-2004

Acts Referred:

Special Marriage Act, 1954 — Section 16

Citation : (2005) 1 DMC 320 : (2004) 1 KLT 687

Hon'ble Judges : C.N. Ramachandran Nair, J

Bench : Single Bench

Advocate : Alex Varghese, for the Appellant; George Mecheril, Government Pleader, for the Respondent

Judgement

C.N. Ramachandran Nair, J.—The petitioners are married according to Church ceremony. However, certificate from Church is not valid for the purpose of visa. Therefore, the petitioners applied for registration of marriage under the Special Marriage Act. However, the respondent will issue certificate only after the statutory notice period is over and after registering the marriage. The prayer is for a direction to dispense with statutory notice and to issue the certificate.

In view of the urgency pointed out by the petitioners for certificate and in view of the fact that petitioners are married in the Church and since Church conducts marriage only after proper scrutiny, I direct the respondent to take sworn statements from the petitioners, register the marriage and issue certificate to the petitioners within a week from the date of production of copy of this judgment by the petitioners. The petitioners will appear before the respondent and comply with the formalities. It will be open to the respondent to wait for objections within the statutory period and if there is any valid objection, hear the petitioners and if it is found that the petitioners are not entitled for registration of marriage it is open to the respondent to recall the certificate issued. If such order is passed, the petitioners will surrender the original certificate to the respondent. On the other hand, if there is no objection, then the Registrar will treat the

certificate issued pursuant to the above direction as validly issued after notice.
Writ Petition is disposed of as above.