
(2021) 07 KL CK 0080
In the High Court Of Kerala
Case No : Writ Petition (C) No. 12843 Of 2021

Jospi Alex

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 06-07-2021

Acts Referred:

Special Marriage Act, 1954 — Section 5

Citation : (2021) 07 KL CK 0080

Hon'ble Judges : P. B. Suresh Kumar, J

Bench : Single Bench

Advocate : C.I.Abraham, Bindu Abraham, George Karithanam Varghese, Princy Xavier

Final Decision : Dismissed

Judgement

P.B.Suresh Kumar, J

1. Petitioner intends to marry one Jewel James in terms of the provisions of the Special Marriage Act, 1954 (the Act). On 08.04.2021, the petitioner

along with Jewel James served on the third respondent, the Marriage Officer under the Act, a notice of their intended marriage. It is stated by the

petitioner that Jewel James who is pursuing his studies at present in United Kingdom is unable to come to India for solemnizing the marriage as he

would not be granted leave from the University on account of the travel restrictions from and to India due to the pandemic, Covid - 19. The petitioner,

therefore, seeks directions to the third respondent to permit her and Jewel James to solemnize their marriage and register the same by allowing Jewel

James to appear before the third respondent virtually.

2. Heard the learned counsel for the petitioner as also the learned Government Pleader.

3. As per the judgment in W.P.(C) No.1838 of 2019, this court rejected an identical prayer made on similar facts, holding that it will not be right and proper for this court to adopt the process of video conferencing in the marriage of parties who are not present before the Marriage Officer under the Act. In the light of the said judgment, the petitioner is not entitled to the relief sought in the writ petition and the writ petition is accordingly, dismissed.