
(2015) 03 KL CK 0314

In the High Court Of Kerala

Case No : Writ Petition (C). No. 7345 of 2015 (P)

Nirupama Jayaprakash

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 09-03-2015

Acts Referred:

Special Marriage Act, 1954 — Section 5, 6(3)

Citation : (2015) 03 KL CK 0314

Hon'ble Judges : P.R. Ramachandra Menon, J

Bench : Single Bench

Advocate : V.V. Sidharthan, Senior Advocate, D.G. Vipin and Karol Mathews Sebastian Alencherry, for the Appellant; Joseph George, Senior Government Pleader, Advocates for the Respondent

Final Decision : Disposed off

Judgement

P.R. Ramachandra Menon, J—The petitioner has approached this Court with the following prayers:

(a) Issue a writ of mandamus or any other appropriate writ, order or direction commanding the 3rd respondent to accept Exhibit P9 notice on file, reckoning the notice of marriage as 5.3.2015 and solemnize the marriage of the petitioner Mr. Grant Leslie Carruthers within a short time to be stipulated by this Honourable Court.

(b) Issue a writ of certiorari or any other appropriate writ, order or direction calling for the records leading to the issuance of Exhibit P10 and quash Exhibit P10.

(c) To grant any other appropriate writ, order or direction which this Honourable Court may deem fit to grant in the facts and circumstances of the case.

2. The learned counsel for the petitioner submits that the petitioner with intent to marry Mr. Grant Leslie Carruthers, a British citizen, though has sought to give a

notice of intended marriage under Section 5 of the Special Marriage Act, 1954 on 05.03.2015 vide Ext. P9, the same was refused to be accepted by the 3rd respondent, referring to Ext. P10 Circular dated 08.08.2014. It is pointed out that both the petitioner and the groom satisfy all the mandates prescribed under provisions of the Special Marriage Act and as such, notice submitted by the petitioner ought to have been accepted by the respondents. The learned counsel for the petitioner submits that as per the law declared by this Court in *Rajeev Vs. State of Kerala* [2001 (1) KLT 578], even if one of the parties is not an Indian citizen, the marriage can be solemnized under the Special Marriage Act. The petitioner has also produced Ext. P11 judgment passed by this Court under similar circumstances.

3. Heard the learned Government Pleader as well.

4. After hearing both the sides and in view of the decision cited *supra*, this Court finds that, there cannot be any prohibition for solemnization of marriage under the Special Marriage Act. But the parties have to comply with the mandatory requirements provided under Sections 5 and 6(3) of the Act. The petitioner has already submitted Ext. P9 notice under Section 5 of the Act. Ext.P5 is the certificate of no impediment to marriage issued by the Superintendent Registrar of the District of Havering dated 16.02.2015.

In the said circumstances, the writ petition is disposed of directing the 3rd respondent to accept Ext. P9 notice of intended marriage and take appropriate steps to solemnize the marriage of the petitioner with Mr. Grant Leslie Carruthers in accordance with law reckoning the notice of marriage on 05.03.2015.

The petitioner shall produce a copy of this judgment along with copy of the writ petition before the third respondent for further steps.

The writ petition is disposed of.