
(2021) 10 KL CK 0169

In the High Court Of Kerala

Case No : Writ Petition (C) No. 22546 Of 2021

Reshma Mathew

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 27-10-2021

Acts Referred:

Citation : (2021) 10 KL CK 0169

Hon'ble Judges : N.Nagaresh, J

Bench : Single Bench

Advocate : P.Sanjay, A.Parvathi Menon, Biju Meenattoor, Paul Varghese, P.A.Mohammed Aslam, Kiran Narayanan, Prasoon Sunny, Rahul Raj P, Vinitha B

Final Decision : Disposed Of

Judgement

N.Nagaresh, J

1. The petitioner who is an Indian citizen has approached this Court seeking to direct the 2nd respondent to proceed with Ext.P3 notice and register the marriage of the petitioner.
2. The petitioner states that her marriage with her fiance David Cheshire who is a U.K. Citizen, is to be solemnised. The petitioner submitted online application for solemnization of marriage under the Special Marriage Act, 1954. However, the 2nd respondent is refusing to process the application, insisting on production of copy of the photographs attested by a Gazetted Officer. The petitioner submits the she has already tendered photographs attested by a Notary in U.K. The refusal of the petitioner to process the application is arbitrary, contends the petitioner.
3. The learned Government Pleader on instruction submits that the petitioner is bound to produce an Embassy attested Single Status Certificate having validity which has been issued within the preceding one year. Furthermore, it is also a procedural requirement that the petitioner produce photographs of the parties attested by a Gazetted Officer.

4. The learned counsel for the petitioner submits that she already possesses Embassy attested photographs. The petitioner holds an original Single Status Certificate issued by the U.K. Passport Officer which has been issued recently, on 18.10.2021. The petitioner will be able to produce photographs of the parties attested by a Gazetted Officer on or before the solemnization of marriage.

5. The learned Government Pleader pointed out that there is slight variation seen in the middle name of the bridegroom and the petitioner will have to produce original certificate so as to get clarification in that matter, if the petitioner wants to include the said name in the Marriage Certificate.

6. I have heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

7. The petitioner has submitted application for solemnization of marriage on 01.10.2021. Thirty days is the mandatory notice period prescribed by law. Therefore, the 2nd respondent has no impediment in solemnizing the marriage on 01.11.2021 if the petitioner satisfies all the requirements.

In such circumstances, the writ petition is disposed of directing the petitioner to produce Single Status Certificate dated 18.10.2021 issued by the Passport authorities in U.K. before the 2nd respondent forthwith. The petitioner shall also produce photographs of the parties attested by a Gazetted Officer on or before solemnization of the marriage. If the petitioner produces requisite original certificates clarifying the doubts of the 2nd respondent on the middle name of the bridegroom, the 2nd respondent shall consider those documents also. If the petitioner satisfies the above condition, the 2nd respondent shall solemnize the marriage of the petitioner on 01.11.2021.