
(2025) 02 KL CK 1243
In the High Court Of Kerala
Case No : Writ Petition (C) No. 5014 Of 2025

Sujith Jacob

APPELLANT

Vs

Christian Marriage Registrar & Sub Registrar

RESPONDENT

Date of Decision : 06-02-2025

Acts Referred:

Citation : (2025) 02 KL CK 1243

Hon'ble Judges : C.S.Dias, J

Bench : Single Bench

Advocate : Aadithyan S.Mannali, Alphin Antony, Jishnu P.P., Radhikakrishna, B.S.Syamanthak

Final Decision : Allowed

Judgement

C.S.Dias, J

1. The writ petition is filed to direct the respondent to solemnize and register the petitioners' marriage under the Cochin Christian Civil Marriage Act, 1095 (M.E) (for short 'the Act').

2. The petitioners are Christians by religion. The 1st petitioner is residing in the erstwhile Cochin State and is governed by the provisions of the Act. The 1st petitioner desires to get married to the 2nd petitioner, who is a Russian national. They had submitted Ext.P1 notice before the respondent to solemnize and register their marriage. However, the respondent has refused to accept Ext.P1 notice for the reason that the 2nd petitioner has failed to produce a single status certificate. The 2nd petitioner has sworn Ext.P3 notarized affidavit stating that she is a spinster. By Ext.P4 judgment, this Court in an identical matter has permitted the marriage to be registered on the basis of a notarized affidavit. The petitioners are entitled to get the benefit of the same judgment. The petitioners have to return to Dubai on 08.02.2025. The action of the respondent is arbitrary. Hence, the writ petition.

3. Heard; the learned counsel for the petitioners and the learned Government

Pleader.

4. The learned Government Pleader submitted that, it is only because the 2nd petitioner has not produced a single status certificate that the respondent has not permitted the marriage to be solemnized.

5. The learned counsel for the petitioners submitted that the 2nd petitioner is presently in India. It will be impossible for her to go back to her country and obtain a single status certificate. She is also not sure as to whether her country issues a single status certificate. In a case on an identical nature, this Court has permitted marriage to be solemnized on the basis of affidavits sworn in by the parties. Hence, the Writ Petition may be allowed.

6. The Cochin Christian Civil Marriage Act 1095, does not mandate the production of a single status certificate. It is based on administrative orders issued by the Government of Kerala that the respondents are insisting for a single status certificate. In WP(C) No.29663 of 2022, this Court has directed the Marriage Officer to solemnize the marriage between an Indian citizen and foreign national by accepting a notarized affidavit. Following the said judgment, this Court has also passed Ext.P4 judgment.

7. In the case at hand, the second petitioner has sworn Ext.P3 affidavit stating that she has no living spouse in India or abroad. I find the said affidavit to be sufficient to prove the 2nd petitioner's marital status. The insistence of a single status certificate is unreasonable. Therefore, I am of the view that the respondent is to be directed to solemnize the marriage of the petitioners on the basis of Ext.P3 affidavit.

8. Consequentially, writ petition is allowed by directing the respondent to process Ext.P1 notice of marriage submitted by the petitioners and solemnize and register the marriage as per the provisions of the Act, as expeditiously as possible, at any rate, within four days from the date of the production of the copy of this judgment.

The writ petition is ordered accordingly.