

(2023) 09 KL CK 0098

In the High Court Of Kerala

Case No : Writ Petition (C) No. 29759 Of 2023

Theresa Davis

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 12-09-2023

Acts Referred:

Citation : (2023) 09 KL CK 0098

Hon'ble Judges : Devan Ramachandran, J

Bench : Single Bench

Advocate : Sunil Kumar A.G, George Mathew, Vidya Kuriakose

Final Decision : Disposed Of

Judgement

Devan Ramachandran, J

1. The limited plea of the petitioners in this Writ Petition is that the 2nd respondent – Marriage Officer, be directed to register their marriage, securing their presence through video-conferencing; and to thereafter issue a Certificate of Marriage in proof of registration, within a time frame to be fixed by this Court.

2. One fails to understand why the petitioners have been forced to approach this Court even after a learned Division Bench has, in Arun R.K. v. State of Kerala [2023 (2) KHC 391], declared the law affirmatively that the reliefs sought for by the petitioners ought to be granted.

3. I, therefore, asked Smt.Vidya Kuriakose – learned Government Pleader, if there is any legal impediment in granting the benefit of the afore precedent in favour of the petitioners; to which, she submitted that she does not have instructions, but that the 2nd respondent will look into it and take necessary action.

Taking note of the afore submissions and since the reliefs sought for by the petitioners are covered by the declarations in the afore precedent, I order this Writ Petition and direct the 2nd respondent to register their marriage, after

securing their presence through video-conferencing, if there are no other legal impediments standing in the way; and thereafter, to issue Certificate of Marriage in proof of registration of it, without any avoidable delay.

I also deem it necessary to direct the State of Kerala to make sure, through its competent Authority, that all Registering Authorities are informed of the afore precedent through appropriate means, so that parties will not have to approach this Court every time they require the benefits as granted therein. This shall be done in full compliance; and a report to that effect produced before this Court within a period of two weeks from the date of receipt of a copy of this judgment.

For the afore purpose, this Writ Petition will be listed before this Court after the afore period; however, clarifying that this Writ Petition has already been disposed of, as far as the reliefs sought for by the petitioners are concerned.