

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA, 1942

WP(C).No.27387 OF 2020(W)

PETITIONER:

SREELAKSHMI J.S.
AGED 23 YEARS
W/O. SANOOP P. JAYA NIVAS, ANNANAD P.O,
THRISSUR DISTRICT- 680309.

BY ADV. SRI.C.V.MILTON

RESPONDENTS:

- 1 THE KADUKUTTY GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY, KADUKUTTY P.O, THRISSUR
DISTRICT - 680309.
- 2 THE SECRETARY
KADUKUTTY GRAMA PANCHAYATH, KADUKUTTY P.O,
THRISSUR DISTRICT - 680309.
- 3 ADDL.R3. THE LOCAL REGISTRAR OF MARRIAGES (COMMON) ,
(THE REGISTRAR OF BIRTHS AND DEATHS) , KADUKUTTY GRAMA
PANCHAYATH, KADUKUTTY P.O. ,
THRISSUR DISTRICT-680 309.
ADDITIONAL RESPONDENT NO.3 IS IMPEADED AS PER ORDER
DATED 21.12.2020 IN IA NO.1/2020 IN WP(C)
NO.27387/2020.

R1-2 BY SHRI.SHEEJO CHACKO, SC, KADUKUTTY GRAMA
PANCHAYAT, THRISSUR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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J U D G M E N T

The marriage of the petitioner with one Sanoop was solemnized on 24.08.2019 in accordance with the customary rites. Ext.P2 is the marriage certificate issued by the concerned NSS Karayogam. On 06.09.2019, the petitioner along with her husband submitted the memorandum of registration of marriage in the prescribed form before the third respondent in terms of the Kerala Registration of Marriages (Common) Rules, 2008 (the Rules) for registering their marriage. It is stated that since third respondent was on leave on 06.09.2019, and the following working days being holidays, the petitioner and her husband could not put their signature in the marriage register. It is stated that the husband of the petitioner had to leave abruptly back to his place of work in South Africa and consequently, they could not appear before the third respondent even thereafter for completing the formalities concerning the marriage. Now, the petitioner wants

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to join her husband in South Africa and marriage certificate is required for the purpose of obtaining visa. It is alleged that the third respondent is insisting physical presence of the husband of the petitioner for the purpose of issuing marriage certificate. The petitioner, therefore, seeks direction to the third respondent to complete the formalities concerning the registration of the marriage of the petitioner by securing the presence of her husband through video conferencing and issue marriage certificate without insisting his physical appearance and signature.

2. Heard the learned counsel for the petitioner as also the learned Standing Counsel for the respondents.

3. It is seen that an identical matter has been disposed of by this court in terms of the judgment in **Mathew T.K. v. Secretary and Registrar of Marriages, Alappuzha and Another**, 2020(4) KHC 456.

4. In the circumstances, this writ petition is also disposed of in tune with the said decision, with the following directions:-

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- (i) An authorized representative of the husband of the petitioner, preferably one among his parents, shall file an affidavit before the third respondent stating that he/she has been duly authorised by the husband of the petitioner to sign in the marriage register on behalf of the husband of the petitioner.
- (ii) If an affidavit as directed is filed before the third respondent, he shall act upon Ext.P4 memorandum and complete the formalities for registration of the marriage of the petitioner after securing the presence of her husband through video conferencing and issue marriage certificate to the petitioner, after obtaining signatures of the petitioner and the authorized representative of her husband.
- (iii) The husband of the petitioner shall appear before the third respondent and sign in the marriage register within one year from the date of registration. In case the husband of the petitioner does not comply with the said direction, the third

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respondent will be at liberty to revoke the registration of their marriage.

- (iv) The petitioner shall produce certified copy of the judgment before the third respondent for necessary information and further action. She shall also make necessary arrangements for the video conferencing.

Sd/-

P.B.SURESH KUMAR, JUDGE.

PV

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APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE MARRIAGE INVITATION LETTER.
EXHIBIT P2	TRUE COPY OF THE MARRIAGE CERTIFICATE NO ANK/M06/2019-2020 DATED 24.08.2019 ISSUED BY THE SECRETARY AND PRESIDENT, ANNANAD NAIR KARAYOGAM.
EXHIBIT P3	TRUE COPY OF THE NOTORISED AFFIDAVIT 18.10.2019 OF THE PETITIONER ASSERTING THEIR MARRIAGE.
EXHIBIT P4	TRUE COPY OF THE MEMORANDUM FOR REGISTRATION OF MARRIAGE IN FORM NO.1 DATED 06.09.2019.
EXHIBIT P5	TRUE COPY OF THE 1ST AND LAST PAGES OF THE PASSPORT NO. T 3887620 OF THE HUSBAND OF THE PETITIONER.
EXHIBIT P6	TRUE COPY OF THE 1ST AND LAST PAGES OF THE PASSPORT NO. T8862371 OF THE PETITIONER.
EXHIBIT P7	TRUE COPY OF THE AADHAAR NO. 541648261036 OF THE PETITIONER.
EXHIBIT P8	TRUE COPY OF THE JUDGMENT IN WP(C) NO. 37100/2017 DATED 29.11.2017
EXHIBIT P9	TRUE COPY OF GO(RP) NO.1922/2020 LSGD DATED 15.10.2020.