

John Roji Vs. Marriage Officer

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Court : Kerala

Decided On : Jan-05-2004

Reported in : I(2005)DMC320; 2004(1)KLT687

Judge : C.N. Ramachandran Nair, J.

Acts : [Special Marriage Act, 1954](#) - Sections 16

Appeal No. : W.P. (C) No. 93 of 2004

Appellant : John Roji

Respondent : Marriage Officer

Advocate for Def. : George Mecheril, Government Pleader

Advocate for Pet/Ap. : Alex Varghese, Adv.

Judgement :

C.N. Ramachandran Nair, J.

1. The petitioners are married according to Church ceremony. However, certificate from Church is not valid for the purpose of visa. Therefore, the petitioners applied for registration of marriage under the Special Marriage Act. However, the respondent will issue certificate only after the statutory notice period is over and after registering the marriage. The prayer is for a direction to dispense with

statutory notice and to issue the certificate.

In view of the urgency pointed out by the petitioners for certificate and in view of the fact that petitioners are married in the Church and since Church conducts marriage only after proper scrutiny, I direct the respondent to take sworn statements from the petitioners, register the marriage and issue certificate to the petitioners within a week from the date of production of copy of this judgment by the petitioners. The petitioners will appear before the respondent and comply with the formalities. It will be open to the respondent to wait for objections within the statutory period and if there is any valid objection, hear the petitioners and if it is found that the petitioners are not entitled for registration of marriage it is open to the respondent to recall the certificate issued. If such order is passed, the petitioners will surrender the original certificate to the respondent. On the other hand, if there is no objection, then the Registrar will treat the certificate issued pursuant to the above direction as validly issued after notice.

Writ Petition is disposed of as above.

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