

Rajeev Vs. State of Kerala

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Court : Kerala

Decided On : Dec-18-2000

Reported in : I(2001)DMC562

Judge : Mr. R. Bhaskaran, J.

Acts : [Special Marriage Act, 1954](#) - Sections 4 and 6(3)

Appeal No. : O.P.No. 34601 of 2000

Appellant : Rajeev

Respondent : State of Kerala

Advocate for Def. : Preethy Ramakrishnan, Government Pleader

Advocate for Pet/Ap. : P. Gopakumaran Nair and; C.S. Dias, Advs.

Disposition : Petition allowed

Judgement :

R. Bhaskaran, J.

1. This Original Petition is filed for a direction to the second respondent to accept the original of Ext. P1 and take necessary action on it. Ext. P1 is an application for registering the marriage under the Special Marriage Act. The submission of the learned counsel for petitioner is that the Registrar of Marriages has informed the

petitioner that since one of the parties to the marriage is not an Indian citizen, the marriage cannot be registered. When this Original Petition came up for hearing, the learned Government Pleader submitted that the marriage is not registered because Ext. P1 application is not properly filled up and if proper corrections are made in the application form, the marriage will be solemnised. Learned counsel for petitioner pointed out the decision reported in *Marian Eva v. State of Himachal Pradesh* (AIR 1993 Himachal Pradesh 7) which shows that even if one of the parties is not an Indian citizen, the marriage can be solemnized under the Special Marriage Act. The Act also does not contain any prohibition for solemnisation of the marriage, if one of the parties is a foreigner. Therefore, this Original Petition is allowed and the second respondent is directed to solemnise the marriage under the Special Marriage Act provided the petitioner makes necessary corrections in the original of Ext. P1 and after the scrutiny of the same by the second respondent according to the Rules.