

Paul Thomas Vs. State of Kerala

Paul Thomas Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/729705

Court : Kerala

Decided On : Nov-19-2003

Reported in : 2004(1)KLT19

Judge : C.N. Ramachandran Nair, J.

Acts : Cochin Christian Civil Marriage Act, 1920; Special Marriage Act

Appeal No. : W.P. (C) No. 36412 of 2003

Appellant : Paul Thomas

Respondent : State of Kerala

Advocate for Def. : M.K. Aboobacker, Government Pleader

Advocate for Pet/Ap. : Sebastian Champappilly,; Antony M. Ambat and; P.S. Bobby

Judgement :

C.N. Ramachandran Nair, J.

1. The only prayer is for a direction to the second respondent to register the petitioners' marriage under the Cochin Christian Civil Marriage Act and to issue the certificate. The Government Pleader brought to notice of this Court that marriage is not solemnised and that the certificate would not have been issued for want of

office seal and on account of non prescription of fees under the Cochin Christian Civil Marriage Act. In similar cases this Court directed to register the marriage and affix the seal available under the Special Marriage Act and along with such certificate the second respondent Registrar was directed to issue another certificate stating that the Marriage Registrar under the Civil Marriage Act is also notified as Registrar of Marriage under the Cochin Christian Marriage Act also. So far as the fees is concerned, fees will be collected at the same rate as applicable under the Special Marriage Act and in case the fees is fixed later, there shall be a direction to the petitioners to remit such fees later as and when demanded by the second respondent. The petitioners will give an undertaking for remitting the balance fee as and when demanded by the second respondent. The second respondent will complete the formalities and issue the certificate at the earliest. If the petitioners are in hurry to leave the country, the second respondent will take evidence and get signatures wherever required and the marriage certificate will be issued to any person authorised by the petitioners.

2. The statute does not require solemnisation of the marriage in the Church before registration under the Act. The Act itself contemplates solemnisation of the marriage after receipt of notice by the Registrar. The Registrar will receive the application, issue notice, complete the procedure and register marriage and issue certificate to the petitioner. The procedures involving the presence of the petitioners will be completed on or before 27th of this month on production of a copy of this judgment by the petitioner, so that after notice period the certificate will be issued to the petitioners, if their marriage is entitled to registration be registered.

Writ Petition is disposed of as above.