

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 6TH DAY OF JULY 2021 / 15TH ASHADHA, 1943

WP(C) NO. 12843 OF 2021

PETITIONER/S:

JOSPI ALEX
AGED 27 YEARS
D/O. ALEX SIMON, METHANATHU HOUSE, VALLICHIRA
P.O., PALA, LALAM VILLAGE, MEENACHIL TALUK,
KOTTAYAM DISTRICT, PIN CODE-686574.
BY ADVS.
C.I.ABRAHAM
BINDU ABRAHAM
GEORGE KARITHANAM VARGHESE

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY TO
GOVERNMENT, DEPARTMENT OF REGISTRATION,
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PINCODE-695001.
- 2 INSPECTOR GENERAL OF REGISTRATION,
GOVERNMENT OF KERALA, EX-MAYOR R.BALAKRISHNAN
NAIR ROAD, NEAR DISTRICT COURT, VANCHIYOOR
(P.O.), THIRUVANANTHAPURAM, KERALA, PINCODE-
695035.
- 3 THE MARRIAGE OFFICER,
OFFICE OF THE SUB REGISTRAR, ETTUMANOOR COURT
ROAD, ETTUMANOOR (P.O.), KOTTAYAM DISTRICT,
PINCODE-686631.
BY SMT.PRINCY XAVIER, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06.07.2021, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P.B.SURESH KUMAR, J.

W.P.(C) No.12843 of 2021

Dated this the 6th day of July, 2021

J U D G M E N T

Petitioner intends to marry one Jewel James in terms of the provisions of the Special Marriage Act, 1954 (the Act). On 08.04.2021, the petitioner along with Jewel James served on the third respondent, the Marriage Officer under the Act, a notice of their intended marriage. It is stated by the petitioner that Jewel James who is pursuing his studies at present in United Kingdom is unable to come to India for solemnizing the marriage as he would not be granted leave from the University on account of the travel restrictions from and to India due to the pandemic, Covid - 19. The petitioner, therefore, seeks directions to the third respondent to permit her and Jewel James to solemnize their marriage and

register the same by allowing Jewel James to appear before the third respondent virtually.

2. Heard the learned counsel for the petitioner as also the learned Government Pleader.

3. As per the judgment in W.P.(C) No.1838 of 2019, this court rejected an identical prayer made on similar facts, holding that it will not be right and proper for this court to adopt the process of video conferencing in the marriage of parties who are not present before the Marriage Officer under the Act. In the light of the said judgment, the petitioner is not entitled to the relief sought in the writ petition and the writ petition is accordingly, dismissed.

Sd/-
P.B.SURESH KUMAR
JUDGE

ds 05.07.2021

APPENDIX OF WP(C) 12843/2021

PETITIONER ANNEXURE

- Exhibit P1 THE TRUE PHOTOSTAT COPY OF THE ONLINE NOTICE GIVEN BY THE PETITIONER AND HER BRIDEGROOM UNDER THE PROVISIONS OF THE SPECIAL MARRIAGE ACT, 1954 (SECTION 5) (NIL DATED) .
- Exhibit P2 THE TRUE PHOTOSTAT COPY OF THE ONLINE ACKNOWLEDGEMENT FOR THE SOLEMNISATION OF MARRIAGE (SECTION 5) WITH TRANSACTION ID NO.P 18866314 RECEIVED FROM THE OFFICE OF THE THIRD RESPONDENT (NIL DATED) .
- Exhibit P3 THE TRUE PHOTOSTAT COPY OF THE ACKNOWLEDGMENT CUM RECEIPT FOR THE SPECIAL MARRIAGE (SECTION 5) DATED 8.4.2021.
- Exhibit P4 THE TRUE PHOTOSTAT COPY OF THE BOARDING PASS DATED 27.5.2021 ISSUED FROM MALDIVES INTERNATIONAL AIRPORT TO THE PETITIONER.
- Exhibit P5 THE TRUE PHOTOSTAT COPY OF THE CONFIRMATION OF ACCEPTANCE FOR STUDIES DATED 24.10.2019 ISSUED TO MR. JEWEL JAMES FROM UNIVERSITY OF BEDFORDSHIRE, LUTON, UNITED KINGDOM.
- Exhibit P6 THE TRUE PHOTOSTAT REPRESENTATION DATED 23.6.2021 FOR PERMITTING BRIDEGROOM, VIZ. MR.JEWEL JAMES, TO JOIN WITH BRIDE AND WITNESSES THROUGH VIRTUAL MEETING IN THE SOLEMNIZATION OF MARRIAGE PROCEEDINGS.
- Exhibit P7 THE TRUE PHOTOSTAT COPY OF POSTAL RECEIPT DATED 23.6.2021 SHOWING THE SERVICE OF EXHIBIT P6.