

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 17TH DAY OF OCTOBER 2022 / 25TH ASWINA, 1944

WP(C) NO. 29663 OF 2022

PETITIONER:

1 KEVIN VARGHESE
AGED 27 YEARS
S/O ALEX KOTTARATHIL THOMAS, RESIDING PERMANENTLY AT 887
DORCHESTER DR, CAROL STREAM, ILLINOIS
STATE, UNITED STATES OF AMERICA, ZIP CODE: - 60188, NOW
RESIDING AT
KOTTARATHIL, NEAR ITI JUNCTION, CHENGANNUR, CHENGANNUR P.O.,
ALAPPUZHA DISTRICT, PIN - 689121

BY ADVS.
NIRMAL V NAIR
M.ANEESH
MUHAMMED NASEEF BIN SALIM
ARATHI PRABHAKARAN

RESPONDENT:

THE MARRIAGE OFFICER AND SUB REGISTRAR,
AMBALAPUZHA
O/O THE SUB REGISTRAR,
AMBALAPUZHA, AMBALAPUZHA P.O., PIN - 688561

BY ADV. AMMINIKUTTY K, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 17th day of October, 2022

The petitioner, a U.S. citizen and an Overseas Citizen of India card holder, intends to marry an Indian citizen by name Benitta Mariam Varghese. For this purpose, the petitioner along with his proposed bride, submitted notice of intended marriage before the respondent. The petitioner's grievance is that the respondent is refusing to act upon the notice of intended marriage for the reason that the petitioner failed to produce single status certificate issued from the Indian Embassy.

2. Learned Counsel for the petitioner relies on Ext.P13 judgment to contend that, instead of single status certificate, which is impossible for the petitioner to obtain, Ext.P5 affidavit notarised in the manner provided under the Notaries Act has been produced before the respondent.

3. Learned Government Pleader submitted, on instructions that failure to produce all the requisite

certificates and documents had prompted the respondent to refuse to act upon the notice of intended marriage.

4. Learned Counsel for the petitioner submitted that whatever documents are required will be produced before the respondent and there may be a direction to accept and act upon Ext.P5 affidavit in lieu of the single status certificate. It is pointed out that the petitioner is due to return to the U.S. by 27.10.2022 and the period of 30 days prescribed under Section 6 of the Special Marriage Act being over, the respondent may be directed to solemnise the marriage at the earliest.

The writ petition is hence disposed of, directing the respondent to solemnise the petitioner's marriage with Benitta Mariam Varghese, subject to the petitioner producing all requisite documents immediately. On production of the documents, the respondent shall take earnest efforts to solemnise the marriage before 27.10.2022. The respondent is

directed to accept the original of Ext.P5 notarised affidavit in lieu of the single status certificate.

Sd/-

V.G.ARUN

JUDGE

NB/17-10

APPENDIX OF WP(C) 29663/2022

PETITIONER'S EXHIBITS:

- EXHIBIT P1** A TRUE COPY OF THE BIRTH CERTIFICATE OF THE PETITIONER DATED 13-5-2000 ISSUED BY THE REGISTRAR OF BIRTHS AND DEATHS, MAVELIKARA MUNICIPALITY
- EXHIBIT P2** A TRUE COPY OF THE PASSPORT ISSUED TO THE PETITIONER ON 16-3- 2022 BY THE DEPARTMENT OF STATE, UNITED STATES OF AMERICA
- EXHIBIT P3** A TRUE COPY OF THE OVERSEAS CITIZEN OF INDIA CARD ISSUED TO THE PETITIONER ON 22-8-2022 BY THE CONSULATE GENERAL OF INDIA, CHICAGO, USA
- EXHIBIT P4** A TRUE COPY OF THE CERTIFICATE OF NO MARRIAGE RECORD FOUND DATED 24-8-2022 ISSUED BY THE DUPAGE COUNTY CLERK, STATE OF ILLINOIS
- EXHIBIT P5** A TRUE COPY OF THE SINGLE STATUS AFFIDAVIT SWORN BY THE PETITIONER DATED 24-8-2022 NOTARIZED BY MS. JULIA ANN DEEKE, NOTARY PUBLIC, STATE OF ILLINOIS
- EXHIBIT P6** A TRUE COPY OF THE ILLINOIS MARRIAGE AND DISSOLUTION OF MARRIAGE ACT
- EXHIBIT P7** A TRUE COPY OF THE ILLINOIS VITAL RECORDS ACT
- EXHIBIT P8** A TRUE COPY OF THE HAGUE APOSTILLE CONVENTION OF 1961
- EXHIBIT P9** A TRUE COPY OF THE LIST OF CONTRACTING PARTIES TO THE HAGUE APOSTILLE CONVENTION OF 1961
- EXHIBIT P10** A TRUE COPY OF THE NOTICE OF INTENDED MARRIAGE DATED NIL SUBMITTED BY THE PETITIONER AND HIS FIANCEE BEFORE THE RESPONDENT
- EXHIBIT P11** A TRUE COPY OF PRINTOUT OF THE ONLINE APPLICATION FOR NOTICE OF INTENDED MARRIAGE DATED 10-9- 2022
- EXHIBIT P12** A TRUE COPY OF THE ORDER NO. 354/22 DATED 13-9-2022 ISSUED BY THE RESPONDENT
- EXHIBIT P13** A TRUE COPY OF THE JUDGMENT DATED 15-7-2022 IN W.P.(C). NO. 17818 OF 2022 ON THE FILES OF THIS HONOURABLE COURT
- EXHIBIT P14** A TRUE COPY OF THE DISCLAIMER DATED NIL GIVEN BY THE US CONSULATE IN INDIA

RESPONDENT'S EXHIBITS: NIL

TRUE COPY

P.A. TO JUDGE