

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

MONDAY, THE 09TH DAY OF MARCH 2020 / 19TH PHALGUNA, 1941

WP (C) .No.5532 OF 2020 (N)

PETITIONER:

JYOTHI .S .NAIR,  
AGED 30 YEARS  
D/O. SHAJIKUMAR AND W/O. JITHIN CLEETUS, JYOTHI  
BHAVAN, AREEPARAMBU, MANARKAD,  
KOTTAYAM DISTRICT - 686 501

BY ADV. SMT. PRAMEELA .C .K.

RESPONDENTS:

- 1 STATE OF KERALA,  
REPRESENTED BY THE SECRETARY TO GOVERNMENT,  
REGISTRATION DEPARTMENT, SECRETARIAT,  
TRIVANDRUM - 695 001
- 2 INSPECTOR GENERAL OF REGISTRATION  
REGISTRATION DEPARTMENT, EX-MAYOR R BALAKRISHNAN NAIR  
ROAD, NEAR DISTRICT COURT, VANCHIYOOR,  
THIRUVANANTHAPURAM, KERALA 695 035
- 3 SUB REGISTRAR / MARRIAGE OFFICER  
SUB REGISTRAR'S OFFICE, SECOND FLOOR PERUMPILLY  
BUILDING, ABOVE KEERTHILAL JEWELLERY, MAHATMA GANDHI  
ROAD, KPCC JUNCTION,  
OPP MAHARAJA'S GROUND, 682 011 ERNAKULAM

VINITHA GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
09.03.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

**Dated this the 9th day of March 2020**

This writ petition is filed challenging Ext.P8 communication and seeking directions to consider the request of the petitioner to correct the marriage certificate issued to the petitioner by correcting the name of the petitioner as Jyothi.S.Nair instead of Jyothi.S.Nayar under Section 49 of the Special Marriage Act, 1954 ('the Act').

2. It is submitted by the learned counsel for the petitioner that the error occurred due to an error in her Aadhaar card which has subsequently been corrected. It is submitted that Ext.P5 copy of the Aadhaar card and Ext.P6 copy of her Passport would show that her name is Jyothi.S.Nair as claimed by her. It is submitted that the rejection by Ext.P8 is completely unwarranted.

3. The learned Government Pleader submits, on instructions, that the name was recorded as shown in the Aadhaar card which was produced at the time of the submission of the application. It is stated that the copy of the Aadhaar card as corrected had not been produced by the petitioner before the respondents which is why Ext.P8 came to be passed.

4. In view of the fact that the petitioner has produced documents including her Passport and the corrected Aadhaar card to show that her name stands corrected as Jyothi.S.Nair even in the document which was relied on by her before the Marriage Officer, I am of the opinion that the application for correction is liable to be reconsidered.

In the above view of the matter, there will be a direction to the respondents to immediately reconsider the application for correction preferred by the petitioner in terms of Section 49 of the Act. The documents produced by the petitioner including the Passport as well as the corrected Aadhaar card shall be taken note of by the respondents while passing orders. In case the petitioner approaches the respondents with copies of the documents relied on by her including Exts.P5 and P6, appropriate action shall be taken within a period of one week from such date.

This writ petition is ordered accordingly.

sd/-

**ANU SIVARAMAN**

**JUDGE**

SVP

**APPENDIX**

**PETITIONER'S/S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE BIRTH CERTIFICATE  
ISSUED TO THE PETITIONER
- EXHIBIT P2 TRUE COPY OF THE DRIVING LICENCE ISSUED  
TO THE PETITIONER
- EXHIBIT P3 TRUE COPY OF THE ELECTION I.D. ISSUED TO  
THE PETITIONER
- EXHIBIT P4 TRUE COPY OF THE SSLC ISSUED TO THE  
PETITIONER
- EXHIBIT P5 TRUE COPY OF THE ADHAR CARD ISSUED TO  
THE PETITIONER
- EXHIBIT P6 TRUE COPY OF THE RELEVANT PAGE OF THE  
PASSPORT ISSUED TO THE PETITIONER
- EXHIBIT P7 TRUE COPY OF THE MARRIAGE CERTIFICATE  
ISSUED TO THE PETITIONER BY THE THIRD  
RESPONDENT
- EXHIBIT P8 TRUE COPY OF THE COMMUNICATION ISSUED TO  
THE PETITIONER BY THE THIRD RESPONDENT
- EXHIBIT P9 TRUE COPY OF THE JUDGMENT IN WP(C)  
NO.35527 OF 2018 DATED 31-10-2018