



2023/KER/53842

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 12<sup>TH</sup> DAY OF SEPTEMBER 2023 / 21ST BHADRA, 1945

WP(C) NO. 29759 OF 2023

**PETITIONERS:**

1 THERESA DAVIS, AGED 26 YEARS, D/O DAVIS,

[REDACTED]

2 SAVIO JOSEPH THOMAS, AGED 33 YEARS

[REDACTED]

BY ADVS.

SUNIL KUMAR A.G

GEORGE MATHEW

**RESPONDENTS:**

1 STATE OF KERALA, REP. BY ITS CHIEF SECRETARY,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,  
PIN - 695001

2 THE MARRIAGE OFFICER, SUB REGISTRAR OFFICER,  
OFFICER OF SUB REGISTRAR, ERNAKULAM DISTRICT,  
PIN - 682011

3 THE MINISTRY OF EXTERNAL AFFAIRS, GOVERNMENT OF  
INDIA, SOUTH BLOCK, NIRMAN BHAWAN, NEW DELHI -  
REP BY ITS SECRETARY, PIN - 110011

4 THE DEPARTMENT OF INFORMATION TECHNOLOGY  
GOVERNMENT OF INDIA, NIKETAN, 6, CGO COMPLEX,  
LODHI ROAD, NEW DELHI. REP. BY ITS SECRETARY.,  
PIN - 110003

SMT.VIDYA KURIAKOSE[ GP]

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
12.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



## **JUDGMENT**

The limited plea of the petitioners in this Writ Petition is that the 2<sup>nd</sup> respondent – Marriage Officer, be directed to register their marriage, securing their presence through video-conferencing; and to thereafter issue a Certificate of Marriage in proof of registration, within a time frame to be fixed by this Court.

2. One fails to understand why the petitioners have been forced to approach this Court even after a learned Division Bench has, in **Arun R.K. v. State of Kerala** [2023 (2) KHC 391], declared the law affirmatively that the reliefs sought for by the petitioners ought to be granted.

3. I, therefore, asked Smt.Vidya Kuriakose – learned Government Pleader, if there is any legal impediment in granting the benefit of the afore precedent in favour of the petitioners; to which, she submitted that she does not have instructions, but that the 2<sup>nd</sup> respondent will look into it and take necessary action.

Taking note of the afore submissions and since the reliefs sought for by the petitioners are covered by the declarations in the



afore precedent, I order this Writ Petition and direct the 2<sup>nd</sup> respondent to register their marriage, after securing their presence through video-conferencing, if there are no other legal impediments standing in the way; and thereafter, to issue Certificate of Marriage in proof of registration of it, without any avoidable delay.

I also deem it necessary to direct the State of Kerala to make sure, through its competent Authority, that all Registering Authorities are informed of the afore precedent through appropriate means, so that parties will not have to approach this Court every time they require the benefits as granted therein. This shall be done in full compliance; and a report to that effect produced before this Court within a period of two weeks from the date of receipt of a copy of this judgment.

For the afore purpose, this Writ Petition will be listed before this Court after the afore period; however, clarifying that this Writ Petition has already been disposed of, as far as the reliefs sought for by the petitioners are concerned.

Sd/ -

**DEVAN RAMACHANDRAN**  
**JUDGE**

RR



**APPENDIX OF WP(C) 29759/2023**

PETITIONER EXHIBITS

- |            |  |
|------------|--|
| Exhibit P1 | TRUE COPY OF PASSPORT NO. Z7171750 ISSUED BY PASSPORT OFFICER, KOTTAYAM          |
| Exhibit P2 | TRUE COPY OF ACKNOWLEDGMENT CUM RECEIPT DTD. 18.07.2023 ISSUED BY 2ND RESPONDENT |
| Exhibit P3 | TRUE COPY OF NOTICE OF INTENDED MARRIAGE PUBLISHED BY 2ND RESPONDENT             |