

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE N. NAGARESH

WEDNESDAY, THE 22<sup>ND</sup> DAY OF DECEMBER 2021 / 1ST POUSHA, 1943

WP (C) NO. 29743 OF 2021

PETITIONER:

RINTU THOMAS,  
AGED 25 YEARS,  
D/O. LATE THOMAS,  
RESIDING AT PUTHENKANDATHIL HOUSE,  
VELAMCODE P.O., KODENCHERY, KOZHIKODE.

BY ADVS.  
SHAMMI VIJAYAN  
NAVEEN RADHAKRISHNAN

RESPONDENTS:

1 THE STATE OF KERALA,  
REPRESENTED BY CHIEF SECRETARY,  
SECRETARIAT,  
THIRUVANANTHAPURAM.

2 MARRIAGE OFFICER,  
SUB REGISTRAR OFFICE,  
MALAYINKEEZHU,  
THIRUVANANTHAPURAM - 695 571.

SMT. PRINCY XAVIER, SR. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
22.12.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **JUDGMENT**

**Dated this the 22<sup>nd</sup> day of December, 2021**

The petitioner is before this Court seeking to direct the 2<sup>nd</sup> respondent to solemnise the marriage of the petitioner and her fiance as per Ext.P5 and allow the fiance of the petitioner to appear in virtual mode at the time of solemnisation of the marriage.

2. The petitioner is a lawyer. The petitioner decided to marry one Mr.Anantha Krishnan Harikumaran Nair and submitted a notice of intended marriage as per Ext.P5. The petitioner states that the fiance of the petitioner is also a lawyer but now in U.K. doing his higher studies.

3. The fiance of the petitioner booked air tickets to come to India on 22.12.2021 to attend the marriage, which was scheduled to be conducted on 23.12.2021. However,

due to the outbreak of Omicron Virus, the fiance is not in a position to travel from U.K. to India. There are issues of international travel restrictions and compulsory quarantine period. In the circumstances, the petitioner seeks to direct the respondents to permit the petitioner and her fiance to conduct the marriage through virtual mode.

4. The learned Government Pleader submits that a marriage under the Special Marriage Act can be solemnised only after adhering to a period of 30 days notice period. Since the notice of intended marriage was given on 11.11.2021, the marriage can be conducted only after that date.

5. I have heard the learned counsel for the petitioner and the learned Senior Government Pleader representing the respondents.

6. In identical circumstances, when the parties to marriage could not appear before the Marriage Officer physically, due to the pandemic situations prevailing in India and abroad, this Court has passed orders permitting the

parties to get their marriage solemnised through virtual mode. I find no reason to deny the benefit extended to other parties to the petitioner and her fiance.

7. In the circumstances, the writ petition is disposed of with the following directions:

(I) The Marriage Officer under the Special Marriage Act is directed to solemnise marriage or register the marriage, as the case may be, through online subject to the conditions hereafter referred.

(i) The witnesses required for solemnisation of marriage shall be present before the Marriage Officer.

(ii) The witnesses shall identify the parties who are online.

(iii) The copies of passport or any other public documents in respect of the parties who appear online shall be provided to the Marriage Officer for identification by the Marriage Officer.

(iv) Wherever signature of parties are required, that shall be affixed by the authorised Power of Attorney of the parties or

any agent who produce any other official documents recognised under the Indian law on behalf of the parties who appear online.

(II) All other necessary formalities as required by law shall be complied with before solemnisation of marriage.

(III) The Marriage Officer shall fix the date and time and convey the same to the parties in advance.

(IV) The Marriage Officer is free to fix the mode of online platform.

(V) The Marriage Officer is directed to comply with the directions as expeditiously as possible on completion of the statutory formalities.

(VI) On solemnisation of marriage, the certificate of marriage shall be issued in the manner as referred to in Section 13 of the Special Marriage Act.

Sd/-  
**N. NAGARESH**  
**JUDGE**

APPENDIX OF WP(C) 29743/2021

PETITIONER'S EXHIBITS:

Exhibit P1 TRUE COPY OF THE RELEVANT PAGES OF  
PASSPORT OF THE PETITIONER.

Exhibit P2 TRUE COPY OF THE RELEVANT PAGES OF  
PASSPORT OF THE FIANCÉ OF THE  
PETITIONER.

Exhibit P3 TRUE COPY OF THE VISA OF THE FIANCÉ OF  
THE PETITIONER.

Exhibit P4 THE TRUE COPY OF THE MARRIAGE  
APPLICATION SUBMITTED BY THE  
PETITIONER.

Exhibit P5 TRUE COPY OF THE NOTICE OF THE INTENDED  
MARRIAGE.

Exhibit P6 TRUE COPY OF THE AIR TICKET OF THE  
FIANCÉ OF THE PETITIONER.

Exhibit P7 TRUE COPY OF THE THE REQUEST SUBMITTED  
BY THE PETITIONER BEFORE THE MARRIAGE  
OFFICER.

Exhibit P8 THE MARRIAGE RECEPTION INVITATION CARD.

Exhibit P9 COPY OF THE ORDER WP(C) 23925/2021 (E)  
DATED 03.11.2021.