



WP(C) NO. 4751 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

TUESDAY, THE 10<sup>TH</sup> DAY OF JUNE 2025 / 20TH JYAISHTA, 1947

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PETITIONERS:

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BY ADVS.  
SRI.CIBI THOMAS  
SMT.SWARNA THOMAS  
SMT.ANUSREE K.

RESPONDENTS:

- 1 STATE OF KERALA,  
REP. BY ITS SECRETARY,DEPARTMENT OF LOCAL SELF  
GOVERNMENT, SECRETARIAT,THIRUVANANTHAPURAM, PIN -  
695001
- 2 THE CHIEF REGISTRAR GENERAL OF MARRIAGES (COMMON) ,  
(DIRECTOR OF PANCHAYATHS) , PUBLIC OFFICE BUILDING,  
MUSEUM JUNCTION, PMG JUNCTION, THIRUVANANTHAPURAM,  
PIN - 695033
- 3 THE REGISTRAR GENERAL OF MARRIAGES (COMMON) ,  
(DEPUTY DIRECTOR OF PANCHAYATH,  
KANNUR) ,THAVAKKARA,KANNUR DISTRICT, PIN - 670002



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4 THE LOCAL REGISTRAR OF MARRIAGES (COMMON) ,  
(THE SECRETARY AND REGISTRAR OF BIRTHS AND  
DEATHS) ,MUZHAKUNNU GRAMA  
PANCHAYATH,KAKKENGAD.P.O,KANNUR DISTRICT, PIN -  
670673

BY ADV SRI.R.SURENDRAN

OTHER PRESENT:

SR.GP.SMT.VIDYA KURIAKOSE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 10.06.2025, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**“C.R”****JUDGMENT****(Dated this the 10<sup>th</sup> day of June, 2025)**

The petitioners lived together for a brief period in November 2014. In order to avoid legal repercussions and social issues, they got their marriage registered under Kerala Registration of Marriages (Common) Rules, 2008 ('Rules', for brevity) as per Ext.P1 certificate of marriage. Shortly thereafter, their relationship ran into rough weather, and they have been living separately for the last 10 years. The 1<sup>st</sup> petitioner is a Muslim, and the 2<sup>nd</sup> petitioner is a Hindu. As their marriage was not solemnised under the Special Marriage Act, 1954, there is no valid marriage. Yet, as their marriage is improperly registered, it gives a false impression that they are legally married. Accordingly, the petitioners submitted a joint application before the 4<sup>th</sup> respondent to cancel the certificate. But, by Ext.P3 communication, the 4<sup>th</sup>



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respondent rejected the application, stating that there is no provision to cancel the certificate. Rule 13 of the Rules empowers the 4<sup>th</sup> respondent to cancel the certificate. It is without considering the above rule that the impugned order has been passed. Ext.P3 communication is unjustifiable.

2.The 3<sup>rd</sup> respondent has filed a statement asserting that the marriage was registered as per the Rules. The 4<sup>th</sup> respondent registered the marriage based on Annexure R3 (a) memorandum, Annexure R3 (c) declaration issued by a member of the Local Self Government Institution ('LSGI', in short) and the supporting documents affirming that the petitioners' marriage was solemnised on 19.10.2014 at the residence of the 2<sup>nd</sup> petitioner. The statements of the petitioners and their witnesses corroborated the documents. The petitioners have not produced any record to prove that their marriage was improperly or fraudulently registered, which is mandatory to cancel the certificate under Rule



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13. There is no illegality in Ext.P3 communication.

3.Heard, Sri. Cibi Thomas, the learned Counsel for the petitioners, Smt. Vidya Kuriakose, the learned Government Pleader and Sri. R. Surendran, the learned Standing Counsel for the 4<sup>th</sup> respondent.

4.There is no dispute that the petitioners had jointly submitted Ann.R3 (a) memorandum affirming that their marriage was solemnised on 19.10.2014 at the 2<sup>nd</sup> petitioner's residence. The member of an LSGI also issued Ann.R.3(c) certifying to have witnessed the solemnisation of the petitioners' marriage. On the date of registration of the marriage, the petitioners and their witnesses testified that the marriage was solemnised on 19.10.2014. It was on the strength of the above documents and testimonies that the 4<sup>th</sup> respondent registered the marriage and issued Ext.P1 certificate.

5. The petitioners now contend that, since they belong to different religions and have not solemnised their



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marriage under the Special Marriage Act, 1954, their marriage is invalid. Hence, the certificate may be cancelled under Rule 13 of the Rules.

6. In the above context, it is necessary to refer to Rule 13 of Kerala Registration of Marriages (Common) Rules, 2008, which reads as follows:

**"13. Correction and cancellation of entries.—**(1) If the Local Registrar is satisfied either suo motu or on application by the parties, that any entry in the Register of Marriages (Common) is erroneous in form or substance or has been fraudulently or improperly made, he shall subject to conditions in sub-rule (2), make suitable corrections including cancellation of registration, noting the evidence for such corrections in the margin of the Register of Marriages (Common), without any alteration of the original entry and shall sign the marginal entry with the date of correction or cancellation and shall forward the particulars of the corrections to the Registrar General concerned.

(2) All corrections in material particulars like name, age, date etc., and cancellation shall be done only with the sanction of the Registrar General concerned: Provided that no such correction or cancellation shall be made without affording a reasonable opportunity of being heard to the parties concerned.

(3) On getting sanction under sub-rule (2), the Local Registrar shall effect the correction or cancellation, as the case may be, in the Register of Marriages (Common).

(4) An amount of rupees one hundred shall be charged as fee for making corrections in the Register of Marriages (Common) other than clerical mistakes.

(5) In every case in which an entry is corrected or cancelled under this Rule, intimation thereof shall be sent to the parties to the marriage and the Local Registrar shall make a report giving necessary details to the Registrar General concerned."

7. A reading of the above Rule indicates that the Registrar is empowered to cancel an entry in the Register, if the entry is erroneous in form or substance or has been fraudulently or improperly entered.



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8. The enquiry envisaged under Rule 11 is summary in nature. The Registrar is not empowered to conduct a comprehensive enquiry regarding the validity of the marriage or the competence of the parties to get married at the time of considering the memorandum. If the Registrar is objectively satisfied that the marriage has been solemnised, he is empowered to register the marriage.

9. In **Pranav A.M. & another v. Secretary, Engandiyur Grama Panchayat, Thrissur and another** (2018 (3) KHC 128), this Court has held that the Registrar is only to be prima facie satisfied that the marriage was solemnised as per the personal law of the parties. He is bound to register the marriage upon a declaration made by the parties, without entering into the legality of the marriage.

10. In the present case, the petitioners, on their own free will and volition, had submitted a memorandum and a supporting letter from a member of the LSGI, affirming that their marriage was solemnised on 19.10.2014, and



wanting to get their <sup>8</sup> marriage registered.

11. In the enquiry conducted by the 4<sup>th</sup> respondent, the petitioners and their witnesses unequivocally deposed that the marriage was solemnised as per customary rites at the 2<sup>nd</sup> petitioner's residence.

12. It was on accepting the documentary proof and the oral testimonies of the petitioners and their witnesses that the 4<sup>th</sup> respondent registered the marriage. Having produced documents to the above effect and voluntarily testifying that the marriage was solemnised, the petitioners are estopped from reprobating that there is no valid marriage. The Registrar does not have the jurisdiction to adjudicate the above disputed question of fact under Rule 13.

13. The questions regarding the validity of the marriage and the marital status of the parties are to be decided by a competent civil court.

14. After carefully considering the facts and circumstances of the case, I do not find any arbitrariness





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or illegality in the impugned<sup>9</sup> order. The writ petition is devoid of any merit and is liable to be dismissed. Nevertheless, it is clarified that this judgment shall not prejudice the right of the petitioners to approach a court of competent jurisdiction for a declaration regarding their marital status.

With the above observation, the writ petition is dismissed.

SD/-  
C.S. DIAS,  
JUDGE

SRJ



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APPENDIX OF WP(C) 4751/2025

## PETITIONER EXHIBITS

- Exhibit P1. TRUE COPY OF THE CERTIFICATE OF MARRIAGE  
DATED 11.11.2014 EVIDENCING THE  
REGISTRATION OF MARRIAGE BETWEEN THE  
PETITIONERS
- Exhibit P2. TRUE COPY OF THE APPLICATION DATED  
16.12.2024 SUBMITTED BY THE PETITIONERS  
BEFORE THE 4TH RESPONDENT
- Exhibit P3. TRUE COPY OF THE COMMUNICATION DATED  
06.01.2025 ISSUED BY THE 4TH RESPONDENT TO  
THE PETITIONERS
- Exhibit P4. TRUE COPY OF THE JUDGMENT IN JITHIN  
VARGHESE PRAKASH VS. REGISTRAR OF MARRIAGE

## RESPONDENT ANNEXURES

- ANNEXURE R3 (A) A TRUE COPY OF THE MEMORANDUM DATED  
19.10.2014
- ANNEXURE R3 (B) A TRUE COPY OF THE CERTIFICATE OF MARRIAGE  
DATED 03.03.2025
- ANNEXURE R3 (C) A TRUE COPY OF FORM-II FROM WARD MEMBER  
DATED 24.10.2014