



2025:KER:66454

WP(C) No.1019/2023

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

FRIDAY, THE 22ND DAY OF AUGUST 2025 / 31ST SRAVANA, 1947

WP(C) NO. 1019 OF 2023

PETITIONER/S:

- 1 ATHUL DINI, AGED 29 YEARS
EATTUMMEL HOUSE PARAKKATT TEMPLE ROAD CHEMBUMUKKU,
THIRIKKAKARA P.O ERNAKULAM DISTRICT, PIN - 682021
- 2 ATHULYA RAJ, AGED 31 YEARS
KAILAS HOUSE, PANAYAM YEROOR P.O, KOLLAM, PIN - 691312

BY ADVS.
SRI.ALIAS M.CHERIAN
SRI.K.M.RAPHY
SHRI.BRISTO S PARIYARAM
SHRI.VIVEK RADHAKRISHNAN
SHRI.ARUN C.S.

RESPONDENT/S:

- 1 THE DISTRICT REGISTRAR (G) , 3RD FLOOR, CC40/1017
PERUMBILLI BUILDINGS OPPOSITE TO MAHARAJAS COLLEGE
GROUND M.G ROAD, ERNAKULAM, PIN - 682011
 - 2 THE MARRIAGE OFFICER
OFFICE OF THE SUB REGISTRAR THRIKKAKARA, KAKKANAD
ERNAKULAM, PIN - 682030
- ADDL.R3 THE ADDITIONAL CHIEF SECRETARY,
TAXES (J) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM
- ADDL.R4 THE INSPECTOR GENERAL OF REGISTRATION,



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OFFICE OF THE INSPECTOR GENERAL OF REGISTRATION,
VANCHIYOOR P.O., THIRUVANANTHAPURAM

* ADDITIONAL RESPONDENTS 3 & 4 ARE *SUO MOTU* IMPLEADED
AS PER JUDGMENT DATED 22.08.2025

BY SMT. K B SONY (PP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22.08.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



“CR”

JUDGMENT

The writ petition is filed with the following prayers:

- i. To issue a writ of certiorari or any other appropriate writ, directions or orders calling for the records leading up to Ext.P10 and set aside Ext.P3, P8 and P10.
- ii. To issue a writ of mandamus or any other appropriate writ, directions or orders directing the 2nd respondent to issue a fresh certificate of marriage celebrated in other forms under section 15 and 16 of the Special Marriage Act 1954 mentioning the actual date of the solemnization/celebration of the marriage of the petitioners as 10/07/2022.

2. The petitioners, who are husband and wife, got married on 10.07.2022 in a ceremony conducted in accordance with the Hindu rites and customs. Since they are employed abroad, it was necessary for them to register the celebration of marriage under Section 15 of the Special Marriage Act, 1954 (for short, “the Act”) before the second respondent. Pursuant to Ext.P1 application filed by them under Section 15 of the Act, Ext.P3 certificate of marriage celebrated in other forms was issued on 01.10.2022, however, without



mentioning the actual date of celebration of marriage. Exts.P4 to P6 are the certificate of marriage celebrated in other forms in similar cases, wherein the actual date of celebration of marriage is shown. Though the first petitioner submitted Ext.P1 representation, requesting to mention the actual date of celebration of marriage in Ext.P3 certificate, it was replied as per Ext.P8 letter dated 19.10.2022 that the date of celebration of marriage cannot be included in the certificate since there is no provision to include the same as per the prevailing law. Aggrieved by Ext.P8 letter, the first petitioner approached the first respondent with Ext.P9 representation, however, it was also replied in the negative as per Ext.P10. It is in this context, the petitioners have come up before this Court.

3. The first respondent filed a counter affidavit and an additional counter affidavit, contending that the certificate of marriage is generated automatically by a software, viz., PEARL, designed in accordance with the prevailing Act. It was further contended that the present provisions permit the registering officer neither to enter the date of marriage celebrated in other forms in the marriage certificate nor to modify the marriage certificate generated online; and hence, the



date of customary marriage cannot be added to the marriage certificate. According to them, Exts.P4 to P6 certificates were issued before implementation of the online service when the marriage officers manually entered the date of customary marriage in the certificates; and now, they are not in a position to reissue or alter the marriage certificates, which are generated through the PEARL software. It is pointed out that the certificate is issued under Section 18 of the Act.

4. I have heard the learned counsel for the petitioners and the learned Government Pleader.

5. The grievance of the petitioners is that Ext.P3 marriage certificate issued to them does not reflect the actual date of celebration of their marriage, which was celebrated on 10.07.2022 under the Hindu customary rites. Since they are working abroad, they are in need of a marriage certificate under the Act, by registering the celebration of marriage of the petitioners. Exts.P7 and P9 representations were rejected by the respondents stating that there is no provision in the Act to include the date of original celebration of the marriage, celebrated in other forms.

6. The form is specified in the fifth schedule of the Act, as



follows:

THE FIFTH SCHEDULE

(See section 16)

CERTIFICATE OF MARRIAGE CELEBRATED IN OTHER FORMS

I, E.F., hereby certify that A.B. and C.D. appeared before me this.....day of..... 19..... and that each of them in my presence and in the presence of three witnesses who have signed hereunder, have declared that a ceremony of marriage has been performed between them and that they have been living together as husband and wife since the time of marriage, and that in accordance with their desire to have their marriage registered under this Act the said marriage has, this day of 20..... been registered under this Act, having effect as from.....

(Sd.) E.F.,
Marriage Officer for

(Sd.) A.B.,
Husband.

(Sd.) C.D.,
Wife.

(Sd.) G.H.

(Sd.) I.J.

(Sd.) K.L.

(Sd.) G.H.

(Sd.) I.J.

(Sd.) K.L.

Three
witnesses

Dated theday of20.

7. A perusal of the said form shows that there is a provision for including the date of celebration of the marriage, in the last line of the form. The reason for not mentioning the date of



celebration of the marriage, as stated by the respondents, is that the marriage certificates are issued by PEARL software and they cannot modify or correct the details generated through PEARL software. It may be true that the form uploaded in the software is not the correct form. However, as per the form specified in the fifth schedule of the Act, there is a provision for including the date of celebration of the marriage. The authorities cannot deny the request of the petitioners to include the date of celebration of marriage in the marriage certificate. If it is an error occurring in the PEARL software while generating a marriage certificate, it is for the respondent authority to correct the same in order to issue a proper and valid certificate showing the original date of celebration of the marriage.

8. Section 15 of the Act provides for registration of marriages celebrated in other forms. It is not a solemnization of the marriage, but registration of marriages celebrated in other forms. So, there is no dispute that the date of original celebration of the marriage is a date which is prior to the date of registration of the marriage. If the date of original celebration of the marriage is not shown in the certificate issued under the Act, in order to prove their original date of



marriage, the petitioners will have to rely upon the certificate issued under the customary practice rules and to prove the date of registration of the marriage under the Act, they have to rely on the certificate issued under the Act. As regards Exts.P4 to P6 certificates, which were issued to other applicants, showing the date of original celebration the reason stated by the respondents is that earlier, the marriage certificates were issued manually by entering the date of customary marriage in the certificate, whereas now the marriage certificates are issued online, modifying to a simpler form so as to help the applicants to obtain the marriage certificate without delay. However, in this case, the petitioners had to run from pillar to post to get the date of the original celebration of their marriage added to the marriage certificate issued under the Act and their efforts were in vain.

9. As stated above, in the fifth schedule, the form contains a provision to show the original date of celebration of the marriage in the certificate. Unless the date of celebration is not shown, there is no meaning in issuing such a certificate to the petitioners. The respondents' failure to issue a proper certificate despite repeated requests contravenes the law. Hence, I am of the opinion that the writ



petition is to be allowed and the second respondent is to be directed to issue a fresh marriage certificate to the petitioners, rectifying the defects.

10. In order to modify the format in the PEARL software in accordance with the format prescribed in the fifth schedule of the Act, so as to enable all the applicants to get the certificate in the prescribed format by including the original date of celebration of the marriage, a direction has to be issued to the authorities concerned. Therefore, the Additional Chief Secretary, Taxes (J) Department, Government Secretariat, Thiruvananthapuram; and the Inspector General of Registration, Office of the Inspector General of Registration, Vanchiyoor P.O., Thiruvananthapuram, are *suo motu* impleaded as additional respondents 3 and 4 respectively. The learned Government Pleader takes notice for additional respondents 3 and 4.

Accordingly, the writ petition is allowed, as follows:

- a) The second respondent is directed to issue a fresh certificate of marriage celebrated in other forms of marriage, to the petitioners, mentioning the original date of celebration of the marriage as well, within a period of one month from the date of



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receipt of a certified copy of this judgment. It is made clear that on receipt of such certificate, the petitioners shall surrender Ext.P3 certificate of marriage dated 01.10.2022 before the second respondent.

- b) Additional respondents 3 and 4 are directed to take steps to modify the format in the 'PEARL software' in accordance with the format prescribed in the fifth schedule of the Act, so as to enable all the applicants to get the certificate in the prescribed format, by including the original date of celebration of the marriage.

Sd/-
SHOBA ANNAMMA EAPEN
JUDGE

bka/-



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APPENDIX OF WP(C) 1019/2023

PETITIONER EXHIBITS

Exhibit P1	A TRUE COPY OF APPLICATION DATED 17/08/2022 SUBMITTED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT
Exhibit P2	A TRUE COPY OF ACKNOWLEDGMENT CUM RECEIPT BEARING TRANSACTION ID P23694362 DATED 16/08/2022 ISSUED BY THE 2ND RESPONDENT
Exhibit P3	A TRUE COPY OF THE CERTIFICATE OF MARRIAGE CELEBRATED IN OTHER FORMS BEARING NO 8/2022 DATED 01/10/2022 ISSUED BY THE 2ND RESPONDENT
Exhibit P4	A TRUE COPY OF CERTIFICATE OF MARRIAGE CELEBRATED IN OTHER FORMS BEARING NO. 7/2006 DATED 20/02/2006 ISSUED BY THE MARRIAGE OFFICER, ERNAKULAM
Exhibit P5	A TRUE COPY OF THE CERTIFICATE OF MARRIAGE CELEBRATED IN OTHER FORMS BEARING NO. 6/21 DATED 03/08/2021 ISSUED FROM THE SUB REGISTRY OFFICE, PALAKKAD
Exhibit P6	A TRUE COPY OF THE CERTIFICATE OF MARRIAGE CELEBRATED IN OTHER FORMS BEARING NO. 26/2008 DATED 29/10/2008 ISSUED BY THE 2ND RESPONDENT
Exhibit P7	A TRUE COPY REPRESENTATION DATED 13/10/2022 FILED BEFORE THE 2ND RESPONDENT
Exhibit P8	A TRUE COPY OF LETTER NO. SM8/22P23694362 DATED 19/10/2022 ISSUED BY THE 2ND RESPONDENT
Exhibit P9	A TRUE COPY OF THE REPRESENTATION DATED 27/10/2022 SUBMITTED BEFORE THE 1ST RESPONDENT
Exhibit P10	A TRUE COPY OF THE LETTER NO. 136445/2022 DATED 03/11/2022 ISSUED BY THE 1ST RESPONDENT