Sathish Ninan, J.

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W.P.(C) No.4445 of 2021

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Dated this the 19th day of February, 2021

ORDER

Interim relief sought for in the writ petition reads thus:

> "For the reasons stated in the writ petition and accompanying affidavit it is humbly submitted that this Hon'ble Court may be pleased to direct the respondent to accept the Exhibit P-5 application made by the petitioner and the power of attorney of her husband and to complete the registration process through the petitioner by acknowledging the presence of her husband through video conferencing and to issue Certificate of Marriage to the petitioner pending disposal of the writ petition."

2. As evidenced by Ext P1, the marriage between the petitioner and Joseph Moses was registered on 06.10.2018 under the Special Marriage Act, 1956 and was thereafter solemnized in accordance with the rituals of Pentecost denomination. The husband of the petitioner is presently abroad. For registration of the marriage under the Kerala Registration of the Marriages (Common) Rules 2008, the presence of the petitioner's husband is not practicable at present in view of the Covid-19 Pandemic and the travel restrictions related thereto. The petitioner has applied for visa for joining her husband. She is required to upload the marriage registration certificate on or before 24.02.2021 and an interview is scheduled on 03.03.2021 with the U.S Consulate, it is submitted.

3. In ***Mathew T. K. v. Secretary and Registrar of Marriages, Alappuzha and Another 2020 (4) KHC 456,*** this Court has in a similar circumstance directed registration of marriage on conditions. There is no reason not to follow the said precedent.

4. In the circumstances, it is ordered as follows:-

(i) An authorized representative of the husband of the petitioner, preferably one among his parents, shall file an affidavit before the third respondent stating that he/she has been duly authorised by the husband of the petitioner to sign in the marriage register on behalf of the husband of the petitioner.

(ii) If an affidavit as directed is filed before the third respondent, he shall act upon Ext.P2 memorandum and complete the formalities for

registration of the marriage of the petitioner after securing the presence of her husband through video conferencing, and issue marriage certificate to the petitioner after obtaining signatures of the petitioner and the authorised representative of her husband.

(iii) The husband of the petitioner shall appear before the third respondent and sign in the marriage register within one year from the date of registration. In case the husband of the petitioner does not comply with the said direction, the third respondent will be at liberty to revoke the registration of their marriage.

(iv) The petitioner shall produce a certified copy of the judgment before the third respondent for necessary information and further action. She

shall also make necessary arrangements for the video conferencing.

(v) The necessary fee/fine payable consequent to the delay in registration shall also be paid by the petitioner.

Sd/- Sathish Ninan, Judge

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