



“CR”

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

MONDAY, THE 5TH DAY OF JANUARY 2026 / 15TH POUSHA, 1947

WP(C) NO. 38145 OF 2025

PETITIONER(S):

AAYISHA MUHSIN
AGED 34 YEARS, W/O. AHMAD MUHSIN M, 19/29,
CHELAKKATT, MLA ROAD, PALLURUTHY, ERNAKULAM,
PIN - 682006

BY ADVS.
SRI.S.VINOD BHAT
KUM.ANAGHA LAKSHMY RAMAN
SMT.V.NAMITHA
SMT.GITANJALI SADAN PILLAI

RESPONDENT(S):

- 1 PRINCIPAL SECRETARY
PRINCIPAL REGISTRAR GENERAL - MARRIAGES (COMMON),
LOCAL SELF-GOVERNMENT DEPARTMENT, SWARAJ BHAVAN,
NANTHancode, KOWDIAR P. O., THIRUVANANTHAPURAM,
PIN - 695003
- 2 THE LOCAL REGISTRAR OF MARRIAGES (COMMON)
OFFICE OF THE SUB-REGISTRAR, KUTHIATHOD GRAMA
PANCHAYAT, THURAVUR P. O., ALAPPUZHA, PIN - 688532
- 3 THE SECRETARY
KUTHIATHODE GRAMA PANCHAYAT, THURAVUR P. O.,
ALAPPUZHA,, PIN - 688532



4 ADDL. R4. SREEKANDAN P.K
S/O KRISHNANKUTTY NAIR, SREERANGAM, EZHUPUNNA P.O,
CHERTHALA -PIN - 688524. (IS IMPLEADED AS ADDL. R4
AS PER ORDER DATED 26.11.2025 IN I.A. 2/2025 IN THE
WP(C).)

5 ADDL. R5. JAYASREE T.V.
W/O SREEKANDAN P.K, SREERANGAM, EZHUPUNNU PO,
CHERTHALA, ALAPPUZHA -PIN 688524. (IS IMPLEADED AS
ADDL. R5 AS PER ORDER DATED 26.11.2025 IN I.A.
2/2025 IN THE WP(C).)

BY ADVS.
SHRI.R.RAJPRADEEP
SMT.PRASUDHA.S
SMT.SREEDEVI S.
SRI.P.JERIL BABU
GP, SRI RIYAL DEVASSY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05.01.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



"CR"

P.V.KUNHIKRISHNAN, J.**W.P.(C) No.38145 of 2025****Dated this the 05th day of January, 2026****JUDGMENT**

Sreeja S. fell in love with Ahmad Muhsin M. That is the beauty of secular India, where a person in one religion can marry a person following another religion. The marriage was solemnised on 27.01.2017 as per the Special Marriage Act, 1954 (for short 'Act 1954'). That is the beauty of the Act 1954, which recognises marriages between interreligious couples without requiring conversion. Following the marriage on 27.01.2017, it appears that Sreeja intends to adopt her husband's Islamic faith. There is no issue or prohibition with that if it is a voluntary decision by Sreeja, made without coercion or compulsion by Ahmad Muhsin M., her husband. However, Sreeja also changed her name to "Aayisha Muhsin" in 2023 (approximately 6 years after her marriage), a name



commonly used by Muslims.

2. The name was changed in the year 2023 after notifying the same in the Kerala Gazette, as evident by Ext.P2. Pursuant to Ext.P2 notification, the name stands changed in all of the documents and identity cards, including Birth Certificate as evident by Ext.P3, Indian Passport as evident by Ext.P4, revised Aadhaar Card as evident by Ext.P5 (originally issued on 18.08.2012), and revised Driving License as evident by Ext.P6 (originally issued on 13.07.2012). She also changed her name on the PAN Card, and Ext.P7 is the revised PAN Card. Ext.P8 is the Electoral Photo Identity Card issued to Sreeja in her name as "Aayisha Muhsin". Ext.P9 is the Ration Card showing her present name as "Aayisha Muhsin". It is stated that Sreeja's husband's passport has also been revised to reflect the change of name of the petitioner, as evident by Ext.P10. Her husband is working in the United Arab Emirates (UAE). She wants to join her husband in the UAE.

3. The Federal Authority for Identity,



Citizenship, Customs, and Port Security (ICP) is the authority that issues family visas in the UAE. It is submitted that the application for a family visa must include the passports of the wife and children, as well as the attested marriage certificate, among other documents. It is the case of Sreeja, now known as 'Aayisha Muhsin', that, for the purpose of applying for a family visa, her marriage to Ahmad Muhsin was registered under the Kerala Registration of Marriage (Common) Rules, 2008 (for short, "Rules 2008"). Ext.P13 is the marriage certificate. Since Ext.P13 certificate of marriage stands issued in the name of "Sreeja" instead of her present name, "Aayisha Muhsin", she wants a correction of Ext.P13 certificate of marriage. The petitioner submitted an application, as evident by Ext.P14. However, the 3rd respondent informed the petitioner of the inability to effect changes to the certificate of marriage, citing the 1st respondent's letter dated Ext.P16. Ext.P15 is the communication of the 3rd respondent. Aggrieved by the same, this Writ Petition is



filed by Sreeja in her new name, "Aayisha Muhsin".

4. Heard.

5. This Court perused Ext.P15 communication of the 3rd respondent. In Ext.P15, it is stated that, pursuant to the Government of Kerala's clarification in Ext. P16, major changes cannot be made to the marriage certificate. However, as clarified in Ext.P15, if the name of a person is changed, documents proving the change can be produced along with the marriage certificate for any other purpose, in the light of Ext.P16.

6. Now the question to be decided is whether the name of a person entered in a marriage register prepared as per "Rules 2008" can be changed subsequently. Rule 13 of the "Rules 2008" reads like this:

"Rule - 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:

(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.

Provided that no such correction or cancellation shall be made without affording a reasonable opportunity of being heard to the parties concerned."

Under the above rule, it is clear that major changes to an entry already made in a marriage register are not permitted. If any entry in the Register of Marriages (Common) is **erroneous in form or substance or has been fraudulently or improperly made**, subject to conditions in sub-rule (2), 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 alone is possible. This is also clarified in Ext P16. The prayer of the petitioner is to change the name of the petitioner, who is now known as "Aayisha Muhsin" instead of "Sreeja", entered in the marriage register. This is a major change in the name, which is admittedly not due to anything entered **erroneously in form or substance, or to anything fraudulently or improperly made.** Therefore, such major corrections in the marriage register cannot be carried out in the light of the specific bar in the rule.

7. Now the question to be decided is whether this court should exercise the extraordinary jurisdiction under Article 226 of the Constitution and order correction to do complete justice in this case. As I mentioned earlier, any citizen of this country may adopt or follow another religion because our constitution permits it. However, there are limitations on changing a person's name on a marriage certificate under Rule 2008 as clarified in Ext P16.



Major changes or amendments are not permitted in a certificate of marriage issued under the “Rules 2008”. A perusal of Exts. P15 and P16 show that such changes to the certificate of marriage are unnecessary, and the documents changing the name can be produced along with the Ext.P13. But the petitioner wants to change her name from “Sreeja S” to “Aayisha Muhsin” in the Ext.P13 certificate of marriage also, to join her husband in the UAE.

8. What is wrong with continuing the petitioner's name as “Sreeja” in Ext.P13, even if she is following the Islamic religion? I don't think that there is any prohibition in Islamic rules and customs that “Sreeja” cannot follow the Islamic faith without changing her name to a muslim name. “Sreeja” is a Sanskrit-origin name. “Sree” means prosperity, wealth, or auspiciousness. “Ja” implies born of or daughter of. Therefore, the meaning of “Sreeja” is “born of prosperity”. I don't think that there is any prohibition to follow the name “Sreeja” even if the petitioner wants to follow her husband's religion.



9. When this writ petition came up for consideration on 16.10.2025, this Court asked the counsel appearing for the petitioner why the husband of the petitioner is not coming before this Court, so that this Court can verify with him whether he insists that her name should be changed to a muslim name for continuing the marital relationship. The counsel submitted that the petitioner's husband is in the Gulf. Now, 2½ months have elapsed since that query from this court. Even now, the husband of the petitioner is not ready to come on record in this writ petition. The petitioner's counsel today submitted that he is ready to appear online. There is no difficulty for a person staying in the UAE in appearing through a lawyer by executing a vakalath at least within 2 ½ months. This court was adjourning the case with the bona fide belief that he would come on record. However, he is not willing to come on the record but is willing to appear online. I doubt the bona fides of the husband in the peculiar facts and circumstances in this case. I leave it there. When the case



came up for consideration on 10.11.2025, the petitioner submitted that her change of name from "Sreeja S" to "Aayisha Muhsin" was also with the permission of her parents. Now the parents of the petitioner are impleaded as additional respondents in this writ petition. They stated that their daughter changed her name from "Sreeja S" to "Aayisha Muhsin" in 2023, of her own free will, and that the parents have no objection to the change and see no cause for concern regarding her decision. This is an affidavit from the parents of their loving daughter, Sreeja.

10. If "Sreeja" married "Mr. Ahmad Muhsin" as per the Special Marriage Act, 1954, and they continued their religious faith in accordance with their respective religion, that would have been a great moment in a secular country. If Sreeja wants to adopt the Islamic faith, retaining her name as Sreeja, that also would have been a beauty of secular India. However, Sreeja also wants to change her name to a Muslim name. Her husband is behind the curtain, and he is not ready to appear before this Court.



The loving parents of Sreeja also wish to fulfill their daughter's desire. This court is keeping its head down with a folded hand before the loving parents of the petitioner. They only want a happy life for their loving daughter. Accordingly, thinking of the love of the parents, and not for the petitioner or her husband, this court is inclined to exercise jurisdiction under Article 226 of the Constitution of India. The question to be decided is whether Ext.P16 or Rule 2008 should be a barrier in such circumstances.

11. This Court, in the judgment dated 02.12.2024 in WP(C) No.42339/2024, considered a question regarding the correction in the Marriage certificate. It will be better to extract the relevant paragraphs of the above-mentioned judgment:

“4. The learned Government Pleader, on instructions, submitted that the petitioner got married to the fourth respondent as per the Act on 24.07.2020. At that time, the fourth respondent was known as ‘Althaf Haris.’ It was the said name that was entered in the Marriage Register and consequently, the marriage certificate was



issued. There is no provision under the Act to effect the name change. Therefore, the third respondent is unable to consider the representation. However, the third respondent would enter the fourth respondent's new name also in the Marriage Register, based on Exhibit P-2 gazette notification, and then issue a certificate stating that the fourth respondent has changed his name to 'Davood Haris'. However, the fourth respondent's earlier name cannot be completely effaced from the Marriage Register because there will be no record as to the fourth respondent's earlier name, and it can be misused, especially to disown the marriage.

5. The learned counsel for the petitioner submitted that the petitioner would be satisfied if such a certificate is issued, which would serve the petitioner's purpose to get a visa from Saudi Arabia. The said submission is recorded.

In the result, the writ petition is disposed of by directing the third respondent to incorporate an additional entry in the relevant page of the Marriage Register wherein Exhibit P1 is reflected by adding the name of the fourth respondent as 'Davood Haris', thereafter, the third



respondent shall issue a certificate to the petitioner with the added name of the fourth respondent as expeditiously as possible and, at any rate, within one month from the date of receipt of a copy of this judgment.

The writ petition is ordered accordingly."

12. The Punjab and Haryana High Court in **Dharmjit Bangarh v. the State of Punjab and Another** [2019 Supreme (P&H) 1841] observed like this:

"9. In other words, it is not a case of correction of error in the Marriage Certificate but a change/amendment that was being sought on the strength of documents issued subsequent to the Marriage Certificate. Section 49 of the Special Marriage Act, 1954, as such, would have no applicability in the facts of the present case.

10. Even if there be no specific rule/provision under the Special Marriage Act, 1954 to deal with the amendment sought for, learned State counsel has not been able to advert to any specific bar thereunder.

11. In a situation where the contents of a Passport, Aadhar Card as also Birth Certificate at Annexure P-2 (colly) are not under dispute and the same having been issued after the Marriage Certificate dated 27.1.2011 (Annexure P-I),



there would be no impediment in carrying out the necessary change in the Marriage Certificate and for the petitioner's name to read as Dharmjit Bangarh instead of Dharmjit. This would be more so as parentage of the parties remains intact."

13. Keeping in mind the above principle and also to fulfill the desire of the parents of "Sreeja", who is now known as "Aayisha Muhsin", I think this Court can invoke the extraordinary jurisdiction under Article 226 of the Constitution of India to make necessary changes in the marriage certificate. Let the old "Sreeja" who is now "Aayisha Muhsin" lead a happy married life with her husband in the UAE, as intended by her loving parents.

Therefore, this Writ Petition(C) is allowed in the following manner:

1. The respondents are directed to incorporate an additional entry in the relevant page of the marriage register by adding the name of the petitioner as "Aayisha Muhsin" and



thereafter the 2nd respondent will issue a marriage certificate to the petitioner with the new added name of the petitioner, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a certified copy of this judgment.

Sd/-

**P.V.KUNHIKRISHNAN,
JUDGE**

DM/nvj

Judgment reserved	NA
Date of Judgment	05.01.2026
Judgment dictated	05.01.2026
Draft Judgment placed	07.01.2026
Final Judgment uploaded	09.01.2026



APPENDIX OF WP(C) NO. 38145 OF 2025

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE CERTIFICATE OF MARRIAGE NO. 3/2017 DATED 27.01.2017 ISSUED BY THE MARRIAGE OFFICER, KUTHIATHODE
Exhibit P2	TRUE COPY OF THE NOTIFICATION DATED 11.04.2023 IN THE KERALA GAZETTE PUBLISHED ON 02.05.2023
Exhibit P3	TRUE COPY OF THE BIRTH CERTIFICATE ISSUED TO THE PETITIONER ON 23.12.2024
Exhibit P4	TRUE COPY OF THE INDIAN PASSPORT BEARING NO. B8363081 ISSUED TO THE PETITIONER ON 14.12.2023
Exhibit P5	TRUE COPY OF THE PETITIONER'S REVISED AADHAAR CARD, ORIGINALLY ISSUED ON 18.08.2012
Exhibit P6	TRUE COPY OF THE PETITIONER'S REVISED DRIVING LICENCE, ORIGINALLY ISSUED ON 13.07.2012
Exhibit P7	TRUE COPY OF THE PETITIONER'S REVISED PAN CARD
Exhibit P8	TRUE COPY OF THE ELECTOR'S PHOTO IDENTITY CARD ISSUED IN THE PETITIONER'S PRESENT NAME
Exhibit P9	TRUE COPY OF THE RATION CARD NO.1733065968 ISSUED ON 20.09.2024
Exhibit P10	TRUE COPY OF THE INDIAN PASSPORT NO. AE407225 ISSUED TO THE PETITIONER'S HUSBAND
Exhibit P11	TRUE COPY OF THE RESIDENT IDENTITY CARD ISSUED ON 18.09.2025 TO THE PETITIONER'S HUSBAND BY THE UNITED ARAB EMIRATES GOVERNMENT
Exhibit P12	TRUE COPY OF THE WEB-PAGE OF THE UAE GOVERNMENT SHOWING DETAILS OF THE REQUIREMENTS FOR A RESIDENCE VISA FOR FAMILY MEMBERS
Exhibit P13	TRUE COPY OF THE CERTIFICATE OF MARRIAGE ISSUED BY THE 2ND RESPONDENT ON 23.07.2025



Exhibit P14	TRUE COPY OF THE ACKNOWLEDGMENT DATED 23.07.2025 TO THE APPLICATION NO. CRCN-00006123-2025
Exhibit P15	TRUE COPY OF THE 3RD RESPONDENT'S COMMUNICATION DATED 27.08.2025
Exhibit P16	TRUE COPY OF THE 1ST RESPONDENT'S LETTER DATED 17.02.2024