
CASE NOTE: JUDGMENT OF THE KERALA HIGH COURT IN AAYISHA MUHSIN CASE

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By the judgment dated January 5th 2026, the High Court of Kerala, in the case of Aayisha Muhsin v. Principal Secretary, issued a decision addressing the question of whether, and on what basis, a marriage certificate issued under the Kerala Registration of Marriage (Common) Rules, 2008 and the Special Marriage Act, 1954 can be altered to demonstrate a spouse's name change post-marriage. The petitioner, who was married under the Special Marriage Act, 1954, had adopted her husband's religion, Islam, and changed her name from Sreeja S. to Aayisha Muhasin after six years of their marriage. Accordingly, the petitioner updated every document and identity card, including the Birth Certificate, Indian Passport, Aadhaar, etc., except the marriage certificate. When she sought a corresponding change in the marriage Certificate to obtain a UAE family visa, the registrar declined it under Rule 13 of the Rules 2008, which permits only the correction of any wrong or improper entry made at the time of registration, not an eventual change of name. This paper is a comment on the judgment. It critically analyzes the decision of the Kerala High Court and its impact on the Kerala Registration of Marriage (Common) Rules, 2008.

I. Introduction.

By the judgment dated January 5th 2026, the High Court of Kerala ("**Kerala High Court**") in the case Aayisha Muhsin v. Principal Secretary¹, under the writ petition, which was disposed of, sought correction of the name entered in the marriage certificate under the Kerala Registration of Marriage (Common) Rules, 2008. Although the dispute at first glance may appear as a regular case related to administrative correction, the judgment touches several interesting questions relating to the scope of Rule 13 of the Rules 2008, the extraordinary jurisdiction of the High Court under Article 226 of the Constitution of India, the boundaries between "correction" and "amendment" of a public register, and the manner in which courts should consider personal autonomy, religious identity, and family consent when a statutory or

¹ 2026 SCC Ker 231

regulatory bar stands in the way of relief.

The case also touches on the broader social issue that arose out of the very common predicament of Keralaite migrant families, navigating the documentary requirements of family visas for Gulf countries. This case note gives an overview of the case background, the reasoning of the Kerala High Court in detail, along with critical analysis of the judgment, and also understanding the broader view of law governing civil registers in India.

II. Background.

A. Marriage and the change of name.

The petitioner, formerly known as Sreeja S., married Mr. Ahmed Muhsin on January 27th, 2017, under the virtue of the Special Marriage Act, 1954 (“SMA”), which provides provisions for interfaith and intercaste marriages between Indian citizens without any requirement for either party to renounce or convert into the other person’s religion.² The SMA has been regarded as one of the principle legislation that showcases the constitutional commitment towards the secularism of India. This Act provides that any two persons professing different faiths, or none at all, may enter into a marriage contract recognised uniformly across the country, independent of any personal laws that would otherwise govern their respective religious community.

B. Propagation of name change in Official records.

In accordance with the 2023 gazette notification (Ext.P2), the new name of the petitioner had been reflected in some official identification documents, including her birth certificate (Ext.P3), Indian passport (Ext.P4), Aadhaar card (Ext.P5, issued in 2012), driving license (Ext.P6, issued in 2012), PAN card (Ext.P7), EPIC (Ext.P8), and ration card (Ext.P9).³ In essence, all major civil identification means of an Indian citizen, except for her marriage certificate, had been altered to reflect the new name of the petitioner at the time when the writ petition was filed. Moreover, the court's decision indicates that the passport of the petitioner's husband (Ext.P10) had also been altered to reflect the name change made by his wife.

² The Special Marriage Act, 1954

³ Aayisha Muhsin V. Principal Secretary, 2026 SCC Ker 231

C. The UAE Family Visa Requirements.

According to the pleadings, the husband is said to be employed in the United Arab Emirates. The petitioners desired to go along with him. One of the supporting documents required by the Federal Authority for Identity, Citizenship, Customs and Port Security ("ICP"), the relevant authority in the UAE dealing with family visa applications for spouses, is a duly attested marriage certificate.⁴ In this particular instance, it was the external requirement of this documentary evidence that gave rise to the current litigation, because all other identity documents of the petitioner had already been regularized in favor of her adopted name, except the marriage certificate, which she obtained anew on July 23, 2025 (Ext. P13) in her original name "Sreeja."

D. Application for Correction and Its Rejection.

The petitioner filed an application (Ext.P14, dated 23rd July 2025) seeking the correction of the marriage certificate in accordance with her present name. The third respondent (Secretary, Kuthiathode Grama Panchayat) conveyed to the petitioner by letter dated 27th August 2025 (Ext.P15) that changes cannot be made to the marriage certificate based on a clarification letter dated 17th February 2024 (Ext.P16) of the first respondent (Principal Secretary, Local Self Government Department). Ext.P16 is to the effect that "major changes" cannot be made to the marriage certificate, but the petitioner may submit documents evidencing her name change along with her marriage certificate for whatever other purpose she wanted to use it.⁵ The petitioner, dissatisfied with the stand taken by the respondents (which, in the case of the petitioner, will not satisfy the requirement of UAE Authorities regarding an attested marriage certificate with the present name), approached the Kerala High Court through a writ petition under Article 226 of the Constitution.

E. The Statutory and Regulatory Framework.

The registration of marriages celebrated under SMA, as well as marriages which come within the ambit of the Rules 2008 in other ways, in the State of Kerala is regulated by the Kerala Registration of Marriage (Common) Rules, 2008. Rule 13 of the Rules 2008

⁴ Id. Para. 3

⁵ Id. Para. 3

entitled "Correction and cancellation of entries" is the relevant provision. Insofar as is material, it states that "Where the Local Registrar is satisfied either suo motu or on the application of the parties that an entry in the Register of Marriages (Common) is 'erroneous in form or substance' or has been 'fraudulently or improperly made,' he may, subject to the conditions in sub-rule (2), make suitable correction, even including the cancellation of the registration, without affecting the original entry, and after recording in the margin of the register the evidence for the same."⁶ Sub-rule (2) adds that "All corrections in material particulars like name, age, date etc., and cancellation shall be done only with the sanction of the Registrar General concerned."⁷ A proviso to the rule mandates that there should not be any correction or cancellation without giving a reasonable opportunity of hearing to the parties.

By its terms, Rule 13 appears to be meant to remedy errors that existed when the entry was initially made; i.e., cases where the original entry itself was erroneous, fraudulent or improper. However, a Rule 13 application does not, by its terms, appear to allow for an alteration of the record in the situation where the entry was proper at the time of filing but the individual involved has changed his or her name subsequently to the marriage, for whatever reason. This crucial difference is the essence of the dispute in this case and, as shall be seen below, has been reflected in similar litigation before other High Courts.

III. The Verdict of the Kerala High Court.

A. Rule 13 Doesn't Allow this kind of Change.

The Court of the High Court of Kerala did not find much difficulty in holding that Rule 13 of the Rules 2008 does not empower such a change as desired by the petitioner. According to the court, the rule empowers "suitable corrections" to be made only where there is any error in form or substance of the entry, or where there is any fraudulent or improper making of such an entry — but that since the request made by the petitioner was "a major change of name based on voluntary decision after marriage," and "was admittedly not due to anything entered erroneously in form or substance, or to anything

⁶ Kerala Registration of Marriage (Common) Rules, 2008, r. 13 (1)

⁷ Id. r. 13(2)

fraudulently or improperly made."⁸

B. A Personal Observation on the Petitioner's Original Name.

Personal Observation About the Petitioner's Original Name

The Court made a point to observe an interesting fact about the name "Sreeja," which was neither directly part of the legal reasoning for relief nor essential in the decision, yet it is an interesting element of the case. The Court pointed out the meaning of the name "Sreeja" in Sanskrit, "Sree" meaning "prosperity, wealth, auspiciousness," and "Ja" meaning "born of", to conclude that the name "Sreeja" means "born of prosperity," and stated that the Court does not see any reason why a person called "Sreeja" cannot follow the Islamic religion without changing her name to a Muslim name.⁹ Thus, through the rhetorical question, "What is wrong with continuing the petitioner's name as 'Sreeja' in Ext.P13, even if she is following the Islamic religion?" the Court expressed its opinion that the change of name, although being solely the personal choice of the petitioner, was not dictated by her embracing Islam.

C. Relevant Factual Circumstances Considered by the Court.

However, before making the final determination as to exercising this discretion, the Court took into account two factual scenarios that arose during the entire course of the proceedings, each highlighting a certain amount of judicial prudence regarding the voluntariness of the petitioner's choice.

First, when the case came before the Court on October 16, 2025, the Court raised a question regarding why the petitioner's husband, who is resident in the UAE, had not entered an appearance before the Court so that it may itself find out whether he insists that his wife change her name to a Muslim one as a precondition to their marriage. It was mentioned by the counsel that the husband would make an appearance before the Court. However, in the subsequent two-and-a-half months, the husband did not execute a vakalath and chose to appear before the Court online instead. The Court, in no uncertain terms, expressed its doubts about the "bona fides" of the husband in this

⁸ Aayisha Muhsin v. Principle Secretary, 2026 SCC Ker 231

⁹ Id. Para. 8

peculiar situation, saying, "I doubt the bona fides of the husband in the peculiar facts and circumstances in this case. I leave it there."¹⁰ The Court, however, did not pursue this line of inquiry any further.

The second is that on November 10, 2025, when the case came up again, the petitioner argued that she had obtained the consent of her parents to change her name in 2023. In consequence, the Court joined the petitioner's parents as additional respondents (Addl. R4 and Addl. R5). These provided a sworn statement indicating that their daughter had voluntarily changed her name in 2023, that they had no objections whatsoever to such name change, and that they saw nothing wrong about the choice made by their daughter.¹¹ The Court gave great significance to this affidavit filed by the parents and referred to itself as "keeping its head down with a folded hand before the loving parents of the petitioner," adding that it was doing so out of "love for the parents and not for the petitioner or her husband."¹²

D. Invocation Of Article 226 to "Do Complete Justice"

Upon finding that Rule 13 per se offered no justification for the relief prayed for, the Court went on to consider whether, nevertheless, it was called upon to entertain an extraordinary writ jurisdiction under Article 226 of the Constitution "to do complete justice in this case."¹³ For this purpose, the Court relied upon two distinct streams of precedent.

Firstly, the Court referred to its own prior decision in W.P.(C) No. 42339/2024 (decided on December 2, 2024) wherein facts were nearly identical to those in the instant case. There too, a person registered in a marriage register as "Althaf Haris" later changed his name to "Davood Haris," and his wife needed a marriage certificate bearing the new name so as to be able to obtain a Saudi visa. In that case, the Court held that the Registrar should not erase or strike out the original entry, but rather make an additional entry in the register bearing the new name, and then proceed to issue a new certificate with the additional name, without disturbing the original entry, and thus, history.¹⁴ This

¹⁰ Id. Para. 9

¹¹ Id.

¹² Id. Para. 10

¹³ Id. Para. 7

¹⁴ W.P.(C) No. 42339/2024 (Ker. HC, Dec. 2, 2024), extracted in Aayisha Muhsin, Para. 11

is because of the logic behind the approach, which can be traced from both the prior judgment and the current one. This logic states that the old name of the person cannot be completely erased from the records because that will mean erasing his/her entire history, which may lead to potential misuse of the situation — for example, to deny the marriage itself.

Secondly, the Court relied on the judgment in *Dharmjit Bangarh v. State of Punjab* delivered by the Punjab & Haryana High Court.¹⁵ Here, the petitioner had sought to amend the name on her marriage certificate from "Dharmjit" to "Dharmjit Bangarh" in reliance on a subsequently issued passport, Aadhaar Card and a Birth Certificate which carried the expanded version of the name. The Punjab & Haryana High Court clearly distinguished between two types of request: "correction of error" in the marriage certificate, which will require statutory sanction (Section 49 of the SMA), and an "amendment" based on subsequently issued and undisputed official documents. If there is an independently verified change of name through such documentation and if the parentage of the parties is not affected in any way and is undisputed, that court held that there was no statutory prohibition to that effect and the change could be effected.¹⁶ The Kerala High Court found that this was a useful analytical approach, though strictly speaking the Punjab & Haryana High Court decision concerned adding something to the name and not changing the name completely.

E. Relief Granted by the Court.

Considering all these factors together - Rule 13 express bar, "additional entry" practice precedent set in W.P. (C) No. 42339/2024, the affidavit filed by the parents of the petitioner, and the overall objective of ensuring that the petitioner can "lead a happy married life with her husband in the UAE" - the Kerala High Court admitted the writ petition. It ordered the respondents to make an additional entry on the page of the marriage register showing the petitioner's name as "Aayisha Muhsin" and further issue a new marriage certificate incorporating the additional entry within one month of receiving the certified copy of the judgment.¹⁷ The existing entry showing the name "Sreeja" remained untouched as the historical record of the marriage ceremony

¹⁵ *Dharmjit Bangarh v. State of Punjab*, 2019 Supreme (P&H) 1841

¹⁶ *Id.* extracted in *Aayisha Muhsin*, para 12.

¹⁷ *Aayisha Muhsin v. Principle Secretary*, 2026 SCC Ker 231

conducted in 2017.

IV. Critical Analysis.

A. A Pragmatic and Doctrine-wise Unusual Solution.

The solution put forward by the Kerala High Court is, at least from a pragmatic standpoint, an appropriate one. Not only did it achieve its goal of keeping the original evidence intact, thereby maintaining the permanent and unequivocal record of the marriage solemnised between “Sreeja” and “Ahmad Muhsin” in 2017 on the public register of marriages, but it also enabled the petitioner to have a certificate which conforms to her current identity for the UAE family visa procedure. Such a two-fold achievement of the objective aligns with the doctrine adopted in an earlier decision of the Court itself in W.P.(C) No. 42339/2024, and also in accordance with the judgment of the Punjab & Haryana High Court in Dharmjit Bangarh. In a time when the citizens tend to travel across borders more frequently, especially Keralites who have settled down in GCC countries, such an “additional entry” solution serves as an appropriate model to balance between the finality of civil records and the changing identities of citizens due to marriage, change of religion, gender affirmation, or even personal preference.

Having said this, the decision seems a little bit uneasy in view of the earlier decision of the same Court that Rule 13 is an express bar to the relief claimed. It appears from the earlier judgment of the Court that the relief claimed by the petitioner was not covered by “correction” under Rule 13 of the Registration of Births and Deaths Rules since the original registration was neither erroneous nor fraudulently done. However, it is rather unclear from the judgment how the doctrine of Article 226 may support the invocation of relief under circumstances where the regulatory mechanism by itself precluded such relief in terms of Rule 13. It is also worth noting that in the earlier judgment, no discussion was made as to the reasonableness and legality of Rule 13(2), where even for a genuine and voluntary change of name evidenced by an uninterrupted series of subsequent government documents, the sanction of the Registrar General is necessary. The Court does not even consider whether the clarificatory letter sent by the first respondent (Ext.P16) that has seemingly acquired the status of a substantive bar was in any way a proper exercise of the power of executive clarification, or an internal administrative directive which cannot override an individual’s established right to have

his/her identity recognized.

Without this type of scrutiny, the reasoning behind the use of Article 226 by the court becomes one that is not based on principle but more so on equity, in that it is based on the specific facts of the case and is done with great consideration to the sympathetic nature of the facts involved here. Other petitioners who may come forward later in life and whose facts are less sympathetic, e.g., cases in which there is no parental consent, or consent is disputed or irrelevant in relation to the independent decision of an adult petitioner, may find it hard to know how the courts will rule as it is difficult to separate the legal ratio (i.e., that additional entry can be added) from the equitable considerations involved here.)

B. Personal and Rhetorical passages.

It must also be said about the judgment that its language is rather discursive and even occasionally rhetorical, a feature of judicial opinion which is fairly common in Indian High Court judgments but deserves some brief discussion nonetheless. The discussion of the "beauty of secular India," the explanation of the meaning of the Sanskrit origin of the petitioner's original name, and the image of the Court "holding its head down with a folded hand" before the parents of the petitioner, add up to the personal tone of the judgment and highlight the Court's concern with the family situation of the petitioner. However, these passages are not part of the more standard approach to interpretation and application of a statutory provision to certain facts. When another court or lawyer will refer to this judgment in the future and try to establish the ratio decidendi of the case, he/she will have to distinguish the above-mentioned remarks (regardless of whether they are sincerely meant or not) from the ratio decidendi of the case, which can be stated as follows: if the change of name of the person in question was voluntary and undisputed and also supported by certain officially issued documents, a Registrar of Marriages may be directed under Article 226 to enter (and not replace) the changed name in the marriage register and furnish a certificate bearing the same.

C. Broader Implication of Civil Registration for NRI Families.

In addition to the case's specific details, the decision sheds light on a larger class of cases that will be increasingly seen in Indian courts as a conflict between civil registers,

which are static and final (namely, birth, marriage, and death registers), and the increasingly fluid nature of personal identity documents in a globalized and migratory society. Kerala is an ideal place for such conflicts to occur, given the large numbers of people from the state who live abroad in the Gulf and whose visa and residency applications involve ensuring that their current names match up exactly with all old records, including marriage certificates dating back decades. The system created by the Kerala High Court in the form of an “additional entry” can serve as a model which, by virtue of the provisions in the Rules 2008 being amended, may perhaps, in theory, become enshrined in the Rules 2008 itself – for example, by adding a new sub-rule which would provide for a Registrar being empowered to make a further entry in the case of a name change based on a gazette notification and identity documentation, without the need for a legal process in each case.

V. Conclusion.

According to the authors, the decision taken by the Kerala High Court is a sound and humane practical decision by making use of the 'additional entry' system which they had earlier devised, thus steering clear from all the dangers inherent in tampering with the public registry while at the same time considering the genuine claim made by the petitioner who needed an identity proof to be consistent with the other documents. The case highlights the concern of a court aware of the real-life challenges facing transnational Keralite families in aligning the Indian civil registry with the needs of immigration documents abroad.

Simultaneously, however, the decision raises, without resolving, several harder issues: the specific doctrinal trigger at which a writ court may diverge from an explicit prohibition embodied in subordinate legislation such as Rule 13 of the Rules 2008; the standard of proof required to determine the voluntary nature of the choice made by a spouse to change his or her religious denomination and identity; and the exact connection between parental consent and the judicial assessment of possible spousal influence in such situations. As the reoccurrence of such disputes – through the interaction between India’s civil registers and the documentary needs of a more and more international citizenry – can be expected to happen, future cases, before the Kerala High Court as well as potentially other High Courts and even eventually the Supreme Court, would benefit from clearer guidance. Until then, however, and in the absence of any such clarification, the enactment of any legislation that would bring about an "additional

entry" into the Rules of 2008, in the manner that has been done by the Kerala High Court on two occasions in the course of litigation, would provide for a much simpler solution for future petitioners like Aayisha Muhsin.