

aside the order of this Court and further directed the High Court to consider the matter afresh. Second application was filed by the Applicant-Wife in this petition. However, the High Court declined to entertain the said application and directed the Applicant-Wife to approach the Apex Court. The Applicant, thereafter, approached the Apex Court and thereafter the Apex Court again re-considered the application of the Applicant; and after taking into consideration the various facts and circumstances, the Apex Court was pleased to allow the Applicant to travel abroad alongwith her son for a period of 15 days, by its order dated 25th August, 2015. Pursuant to the said order, the Applicant travelled and came back to Bombay. Thereafter the Respondent-Husband filed a civil application, being Civil Application No. 2728 of 2015, to return the passport to the Registrar of the High Court, after the return of the Applicant and the son. Initially, an order was passed directing the Applicant-Wife to return the passport. However, upon oral application being made by the wife, alleging that proper service was not made and she was not heard, the order was recalled and both the applications were kept for hearing.

3. We have heard both - the learned counsel appearing on behalf of the Applicant-Wife, and the Respondent-Husband, who is appearing in person.

4. In our view, Writ Petition No. 5195 of 2015 has now become infructuous, since the order of the Family Court dated 29th May, 2014 is deemed to have been set aside on account of the order of the Apex Court dated 25th August, 2015. The Applicant has thereafter

travelled abroad and has also returned the passport to the Registrar (Judl.). Hence, writ petition is disposed of, since it has become infructuous.

5. The Applicant now wishes to travel abroad again to see her ailing father and for that purpose, she is seeking directions for renewal of the passport by the embassy of Thailand. In our view, this is a fresh cause of action, and therefore, the Applicant-Wife will have to move the Family Court at Bandra.

6. Since the Applicant has returned the passport to the Registrar (Judl.), civil application taken out by the husband has also become infructuous. All civil applications are accordingly disposed of.

7. However, it is clarified that all contentions raised by both parties are kept open. The Applicant-Wife is at liberty to file fresh application in the Family Court and seek the reliefs, which are claimed by her in this civil application. Upon such an application being made by the Applicant-Wife, the Family Court shall decide the same, on merits and in accordance with law, within 4 weeks thereafter. The Applicant-Wife shall serve the Respondent-Husband after such an application is filed in the Family Court by Speed Post / Courier / Registered Post A. D. / email, etc. Liberty to apply, if there is any problem about service.

[Dr. SHALINI PHANSALKAR-JOSHI, J.]

[V. M. KANADE, J.]