

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.157 OF 2015
IN
WRIT PETITION NO.2679 OF 2012**

Mr Waize Mukhtar Ali	... Petitioner
v/s	
Union of India	... Respondent

Mr Arshad Shaikh with Mr Hemant Ingale i/b Mr Gautam Ingale for
Petitioner.

Dr G.R. Sharma with Mr D.P. Singh for Respondent – Union of India.

**CORAM: V.M. KANADE &
B.P. COLABAWALLA JJ.**

DATE : 9TH JULY 2015

P.C.:-

1. This Notice of Motion is taken out by the Petitioner for seeking further reliefs. It is submitted that the Petitioner's mother has expired on 7th July 2015 and therefore, he wants to come to India for attending the obsequies ceremony. It is submitted that the Petitioner is willing to deposit the passport in this Court and after the obsequies ceremony

is over, the said passport will be returned to him.

2. On the other hand, the learned counsel appearing on behalf of the Government of India submits that by order dated 14th June 2013, this Court has permitted the Petitioner to come to India and therefore, no further directions are necessary.

3. We have perused the said order dated 14th June 2013. In paragraph V of the order dated 14th June 2013, there is no reference of the passport being returned to him when he goes back to Dubai.

4. There is some controversy regarding criminal proceedings which are pending against the Petitioner. According to the Petitioner, no proceedings are pending. On the other hand, the learned counsel for the Government of India submits that if that be the position, he should satisfy the Authority and take back the passport which will be handed over to the Passport Authority.

5. In our view, if the Petitioner has filed this Notice of Motion

under peculiar circumstances viz. the demise of his mother, without going into other aspects, we permit the Petitioner to return to India and upon coming to India, deposit the passport in this Court within two days on his landing in India. He shall however give 12 hours' notice in advance to the Consulate General of India, Dubai and the Regional Passport Office, Mumbai. All other contentions raised by the Union of India and the Passport Authority are kept open. When the Petitioner wants to return to Dubai, he may be returned his passport by the Prothonotary and Senior Master of this Court.

6. Notice of Motion is allowed in the aforesaid terms and in terms of prayer clause (a) of the Motion. Liberty is given to both the parties to raise their contentions.

Parties to act on the authenticated copy of this order.

(B.P. COLABAWALLA, J.)

(V.M. KANADE J.)