

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C) .No. 1316 of 2015 (L)

PETITIONER(S) :

BAIJU SALIM,
AGED 45 YEARS, S/O.SRI.MOHAMMED SALIM,
R/A.BAIJU COTTAGE, PYARRY JUNCTION,
PALLURUTHY, RAMESWARAM VILLAGE,
KOCHI-682 006.

BY ADVS.SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.N.K.SUBRAMANIAN
SMT.BINDU B.N.

RESPONDENT(S) :

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1. UNION OF INDIA,
REP BY ITS SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,
KASTURBA GANDHI MARG, NEW DELHI-110 011.
 2. THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
PANAMPILLY NAGAR,
COCHIN-682 036.

*ADDL. R3 MPLEADED

R3. SHABINA AHAMMED,
D/O. SRI.P.P.AHAMMED, MUNDETH HOUSE,
5TH AVENUE ROAD, KALOOR, KOCHI - 682 017.

[*ADDL. R3 IS IMPLEADED AS PER ORDER DATED 11.02.2015 IN
IA 1866/15.]

R1 & R2 BY SRI. N.NAGARESH, ASSISTANT SOLICITOR GENERAL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1:- TRUE COPY OF RELEVANT PAGES OF THE PETITIONER'S PASSPORT BEARING NO K 8467327.
- EXT. P2:- TRUE COPY OF THE DTD 12/6/2012 ISSUED BY THE SECRETARY OF KALOOR MUSLIM JAMA ATH EVIDENCING THE PETITIONER'S DIVORCE WITH HIS WIFE.
- EXT. P3:- TRUE COPY OF ORDER IN MC NO 171/2012 OF THE FAMILY COURT, ERNAKULAM.
- EXT. P4:- TRUE COPY OF IN OP NO 1105/2013 OF FAMILY COURT, ERNAKULAM DTD 21/12/2013.
- EXT. P5:- TRUE COPY OF RELEVANT PAGES OF THE INSTRUCTIONS ISSUED BY THE 1ST RESPONDENT FOR FILLING OF PASSPORT APPLICATION FORM AND SUPPLEMENTARY FORM.
- EXT. P6:- TRUE COPY OF 'TALAQ NAMA' WHICH WAS WRITTEN BY THE PETITIONER, IN THE PRESENCE OF THE TWO WITNESSES, WHEREBY HE DIVORCED HIS WIFE SHABINA AHAMMED AND SENT TO HER.
- EXT. P7:- TRUE COPY OF AKNOWLEDGEMENT CARD EVIDENCING THAT THE PETITIONER'S FORMER WIFE HAD RECEIVED EXHIBIT P6.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 1316 of 2015

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Dated, this the 24th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

- "1. Issue a writ of mandamus or any other appropriate writ, order or direction commanding the 2nd respondent to accept the application of the petitioner for deleting the name of his former spouse from his passport on the strength of Exhibit P2 certificate
- ii. Issue a writ of mandamus or any other appropriate writ, order or direction commanding the 2nd respondent to delete the name of the petitioners former spouse Smt. Shabina Ahammed from his passport; and
- iii. Grant such other reliefs as this Honourable Court may deem fit, necessary and proper to meet the ends of justice in the facts and circumstances of this case."

2. The case of the petitioner is that, the request made by the petitioner has not been entertained by the 2nd respondent, insisting for production of decree obtained from a Civil Court granting divorce. As per the law declared by this Court in **2007 (1) KLT 400 [Abdul Suhud Vs. State of Kerala]** the certificate issued by the Muslim Juma - Ath is sufficient proof of dissolution of marriage and cannot

insist on production of decree of divorce.

3. Heard the learned central Government counsel appearing for the respondents 1 and 2.

4. When the matter came up for consideration before this Court on 19.02.2015, urgent notice on admission was ordered to the 3rd respondent by special messenger. Despite the completion of service of notice, the 3rd respondent has not entered appearance so far. It appears that, the 3rd respondent does not have any objection to the pleadings and prayers set forth by the petitioner with regard to the issue involved.

5. After hearing both the sides, the 2nd respondent is directed to accept the application preferred by the petitioner for effecting correction in the passport and pass appropriate orders thereon in accordance with law, as expeditiously as possible, at any rate, within 'one month' from the date of receipt of a copy of the judgment.

The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 2nd respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd