

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C) .No. 4833 of 2015 (D)

PETITIONER(S) :

KAMILA,
AGED 26 YEARS, D/O. SHAGITHA,
PALATHUMPATTU HOUSE, MANGARAM, KONNI,
PATHANAMTHITTA

BY ADVS.SRI.R.SUNIL KUMAR &
SMT.A.SALINI LAL.

RESPONDENT(S) :

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1. UNION OF INDIA,
REP.BY ITS SECRETARY
MINISTRY EXTERNAL AFFAIRS,
KASTURBA GANDHI MARG,
NEW DELHI-110 001.
 2. THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE, KAITHAMUKKU,
TRIVANDRUM PIN-695 001.
 3. PANCHAYATH SECRETARY,
PANCHAYATH OFFICE, PANDALAM, PIN-689 501.
 4. SHAMEER MUHAMMED,
S/O.KAREEM RAWTHER, PALATHUMPATIL HOUSE,
KONNI PIN-689 691.

R1-2 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT.P1 - COPY OF THE PASSPORT.

EXT.P2 - COPY OF THE THALAK PRONOUNCED BY THE 4TH RESPONDENT ON
3-4-13 UPON THE PETITIONER.

EXT.P3 - COPY OF THE MARRIAGE CERTIFICATE ISSUED BY KADAKKAD
MUSLIM JAMA-ATH.

EXT.P4 - COPY OF THE RELEVANT PAGE OF INSTRUCTIONS FOR FILLING
UP OF A PASSPORT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.R.RAMACHANDRA MENON, J.

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Dated this the 19th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

- i. To issue a writ of mandamus or any other appropriate writ, order or direction directing the 2nd respondent not to insist the petitioner for a decree of divorce from a civil court for deleting the name of the former husband from petitioner's passport.*
- ii. To issue a writ of mandamus or any other appropriate writ, order or direction directing the 3rd respondent not to insist the petitioner for a decree of divorce from a civil court for registering petitioner's second marriage.*

2. The case of the petitioner is that she was married to the fourth respondent as per the religious rites and rituals on 2.10.2011. It was accordingly, that the name of the fourth respondent came to be entered in Ext.P1 passport bearing No.K 2732564 issued to the petitioner at the appropriate place showing name of the spouse. Subsequently, the marital relationship between the petitioner and the fourth respondent

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got ruptured and it was dissolved by pronouncing 'Talaq' on 3.4.2013, which is sought to be substantiated by producing Ext.P2. It is stated that pursuant to Ext.P2, the petitioner and the fourth respondent are residing separately. While so, the petitioner remarried one Shanavas on 16.10.2013 as certified by the concerned 'Jama-ath' vide Ext.P3. In view of the subsequent developments, the petitioner wants to have necessary corrections to be incorporated in the passport. The request made by the petitioner in this regard was not favourably considered, stating that, the petitioner had to produce a decree with regard to the dissolution of marriage from a competent Court of law, which according to the petitioner is not at all necessary in view of the personal laws and hence the writ petition.

3. A statement has been filed on behalf of the respondents 1 and 2, paragraphs 3 and 4 of which read as follows:

3. This office has issued Passport No.K2732564 dated 6.1.2012 vide this office file No.TVMZ60728211. Along with the application, the petitioner had furnished marriage certificate No.B3-15914/11 dated 21.10.2011 issued by the Registrar of Marriages, Pandalam Grama Panchayat to

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include spouse's name as Shemeer Mohamed Palathumpattu Kareem.

4. In order to delete the name of spouse from passport, the petitioner need to furnish a certified copy of Divorce Decree from competent authority. To include the name of spouse on remarriage, Marriage Certificate issued by the Registrar of Marriages or a joint photo affixed affidavit (Annexure D) signed by both husband and wife is required.

4. Heard both the sides. Despite the completion of service of notice, there is no representation either for the third respondent Panchayat or the fourth respondent, former husband of the petitioner. It appears that 3rd and 4th respondents do not have any objection in granting the relief sought for and that the pleadings raised by the petitioner stand uncontroverted.

In the above circumstances, there will be a direction to the second respondent to incorporate necessary corrections in Ext.P1 passport with regard to the name of the spouse, passing appropriate orders in the application already filed and pending before the said respondent, subject to satisfaction of other requirements in accordance with law, which shall be effected, at

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the earliest, at any rate, within one month from the date of receipt of a copy of this judgment. If the petitioner files any application, for registration of the marriage with the person by name Shanavas, within two weeks, as certified by Ext.P3, necessary enquiry shall be conducted by the third respondent and appropriate steps shall be taken in this regard, as well, in terms of the relevant provisions of law and the proceedings shall be finalized, at the earliest, at any rate, within two months from the date of submitting of an application as aforesaid.

The writ petition is disposed of.

Sd/-

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

rkc.