

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C) .No. 9690 of 2015 (I)

PETITIONER

ASHIKA RANJITH, AGED 14 YEARS,
D/O.RANJITH KUMAR, REPRESENTED BY HER MOTHER AND LEGAL
GUARDIAN VINITHA RANJITH, D/O.MADAN MOHAN,
AGED 39 YEARS, MANOJ MANSION, JUNIOR JANATHA ROAD,
VYTTILA, KANAYANOR TALUK, ERNAKULAM.

BY ADVOCATES.M/S.NIDHI BALACHANDRAN & SABU GEORGE

RESPONDENTS

1. THE UNION OF INDIA
REPRESENTED BY IT'S SECRETARY TO GOVERNMENT,
DEPARTMENT OF MINISTRY OF EXTERNAL AFFAIRS,
PATIALA HOUSE, NEW DELHI 110 001.
2. THE PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
PANAMPILLI NAGAR ERNAKULAM- 682 036.

* ADDL. R3.IMPLEADED

T.P.RANJITH KUMAR, SRI SAIRAM,
SIMLA GARDEN BUILDING, PAYYOLI ROAD,
KACHERIPPADY, KOCHI-17

* ADDL. R.3 IS IMPEADED AS PER ORDER DATED 10/04/2015 IN
IA.5485.

BY - SRI.MANOJ P.KUNJACHAN, GOVERNMENT PLEADER
SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PMG/

P.T.O.

WP(C).9690/2015

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1. A TRUE COPY OF THE RELEVANT PAGER OF THE
PASSPORT NO.A 953769 OF THE PETITIONER.

EXHIBIT P2. A TRUE COPY OF THE ORDER DATED 29.04.09 IN OP.775/07 OF
THE FAMILY COURT, ERNAKULAM.

EXHIBIT P3.A TRUE COPY OF THE ON LINE APPLICATION SUBMITTED ON BEHALF
OF THE PETITIONER.

EXHIBIT P4. A TRUE COPY OF THE DECLARATION MADE BY THE PETITIONER'S
MOTHER IN ANNEXURE G FORM BEFORE THE HON'BLE JUDICIAL
FIRST CLASS MAGISTRATE-III (MOBILE).

RESPONDENTS' EXHIBITS

NIL

/ TRUE COPY /

P.S. TO JUDGE

PMG/

K. VINOD CHANDRAN, J.

W.P(C). No.9690 of 2015

Dated this the 13th day of July, 2015.

JUDGMENT

The petitioner is a minor child represented by her mother. The petitioner seeks to go abroad, since the petitioner's mother has received an offer of employment abroad. The petitioner is the child of divorced parents and the custody is with the mother. The divorce by mutual consent was obtained in O.P. No.775 of 2007 produced herein as Ext.P2. The divorce was by mutual consent and a reading of Ext.P2 would indicate that the parties had also mentioned the terms and conditions regarding the payment of the maintenance to the minor child and the right of the petitioner to have access to the child. However, no orders have been passed by the Court. In such circumstance, this Court is not convinced that, there is any order of visitation as such.

2. The learned counsel for the petitioner submits that, neither has any maintenance been paid by the father nor has the father turned up atleast once, to exercise any right of visitation.

This Court has also issued notice to the father in the address shown in Ext.P2. The same has been returned with an endorsement "not known".

3. It is to be noticed that the order itself was of the year 2009. Six years have elapsed and the minor is around 14 years of age. The addl. 3rd respondent obviously has not taken any steps to enforce any of the terms and conditions agreed on by the addl. 3rd respondent and the petitioner. It is only proper that on the mother of the petitioner making a proper application before the Passport Issuing Authority (PIA) in Annexure G as provided in the Rules, the same shall be considered and expeditious steps shall be taken to issue the Passport, at any rate within two weeks from the date of production of the affidavit in accordance with law and in accordance with the observation made by this Court in **Juvairiya v. Regional Passport Officer** [2014 (1) KLT 990].

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

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