

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 11267 of 2015 (G)

PETITIONER(S):

1. RESHMI AUGUSTINE, AGED 30 YEARS,
D/O. AUGUSTINE, KUNNAKKATU HOUSE, MARKET P.O.,
VELLOORKUNNAM, MUVATTUPUZHA-686 671.
2. ALEENA BOBBY, AGED 5 YEARS, D/O. BOBBY P. PAUL,
REP. BY HER MOTHER AND NATURAL GUARDIAN RESHMI AUGUSTINE,
KUNNAKKATU HOUSE, MARKET P.O., VELLOORKUNNAM,
MUVATTUPUZHA-686 671.

**BY ADVS.SRI.ASP.KURUP
SRI.SADCHITH.P.KURUP**

RESPONDENT(S):

**THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
ERNAKULAM-682 036.**

***ADDL.R2 IMPEADED**

***Addl.R2. BOBBY P. PAUL, AGED 37 YEARS,
S/O.PAUL, URAMPACKAL HOUSE,
MANNARKAYAM P.O., ANCHALIPPA,
KANJIRAPPILLY - 686 506.**

***ADDL.R2 IS IMPEADED AS PER ORDER DATED 09.04.2015 IN IA.NO.5454/15.**

**R1 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
ADDL.R2 BY ADV. SRI.BECHU KURIAN THOMAS**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 11267 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF BIRTH CERTIFICATE DTD. 10.12.2009 ISSUED FROM ETTUMANOOR GRAMA PANCHAYAT.**
- P2 : COPY OF PASSPORT NO.M1882502 ISSUED BY COCHIN PASSPORT OFFICE TO 1ST PETITIONER.**
- P3 : COPY OF DECREE DTD. 21.11.2014 PASSED BY FAMILY COURT, MUVATTUPUZHA IN OP NO.545/2013.**
- P4 : COPY OF APPLICATION FOR PASSPORT DTD. 14.3.2015 GIVEN BY 1ST PETITIONER TO RESPONDENT.**
- P5 : COPY OF AFFIDAVIT DTD. 16.3.2015 SWORN BY 1ST PETITIONER BEFORE JUDICIAL MAGISTRATE OF THE FIRST CLASS, MUVATTUPUZHA.**
- P6 : COPY OF LETTER DTD. 17.3.2015 GIVEN BY 1ST PETITIONER TO THE RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J.

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W.P.(C) No.11267 of 2015 - G

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Dated this the 14th day of July, 2015

J U D G M E N T

The petitioners are the mother and the daughter. The 1st petitioner in fact seeks issuance of passport to the 2nd petitioner, minor. Admittedly, the minor is born in the wedlock of the 1st petitioner and the additional 2nd respondent, who are unfortunately, now separated. The divorce petition is said to be pending before the Family Court, Muvattupuzha.

2. In the meanwhile, there was an application by the additional 2nd respondent for custody, which was dismissed by the Family Court, but however granting visitorial rights to the additional 2nd respondent, on the 3rd Saturday of every month between 1 p.m and 4 p.m. The

child was to be produced before the Family Court and the petitioner and the additional 2nd respondent were obliged to follow the conditions as directed in Ext.P3 order.

3. In such circumstance, it may not be proper for this Court to direct issuance of passport. The 1st petitioner in fact contends that she has got an employment abroad and she would like to move out to the Foreign country with the child. That is a matter which has to be brought to the notice of the Family Court and orders obtained, if necessary after modifying the order at Ext.P3.

Relegating the petitioner to such remedy, the writ petition would stand closed. It is made clear that this Court has not made any observations on merits and it is for the Family Court to decide the issue in accordance with law.

Sd/-
K. VINOD CHANDRAN,
JUDGE

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// true copy //
P.A to Judge.