

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 12342 of 2015 (P)

PETITIONER(S) :

1. NOUSHAD,
AGED 43 YEARS, S/O.ABDUL MANAF,
KOLLAMPARAMBIL, CHUNGAPPARA P.O.,
PATHANAMTHITTA DISTRICT.
2. MUTHU P.B. @ FATHIMA,
AGED 38 YEARS, W/O.NOUSHAD,
KOLLAMPARAMBIL, CHUNGAPPARA P.O.,
PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.SALIM V.S.
SRI.H.NUJUMUDEEN
SRI.P.V.JEEVESH
SMT.K.P.SHISU

RESPONDENT(S) :

1. FIRST SECRETARY,
EMBASSY OF INDIA, MUSCAT,
SULTANATE OF OMAN.
2. THE UNION OF INDIA,
REP. BY THE SECRETARY TO GOVERNMENT,
MINISTRY OF EXTERNAL AFFAIRS,
NEW DELHI, PIN-11 001.

BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT.P1- THE TRUE COPY OF THE 1ST PETITIONER'S PRESENT PASSPORT.

EXT.P2- MARRIAGE CERTIFICATE ISSUED BY THE MANNAR MUSLIM-JAMA-
ATH, ON 10.2.2015.

EXT.P3- TRUE COPY OF THE PASSPORT OF 2ND PETITIONER.

EXT.P4- THE TRUE COPY OF THE ADHAR CARD ON 2ND PETITIONER.

EXT.P5- TRUE COPY OF THE ONE AND THE SAME CERTIFICATE ISSUED BY
THE TAHSILDAR, MALLAPALLY.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. VINOD CHANDRAN, J.

W.P.(C) No. 12342 of 2015 (P)

Dated this the 26th day of May, 2015

J U D G M E N T

The petitioners are husband and wife. The grievance of the petitioners is with respect to the name of the wife, the 2nd petitioner, as entered in her passport. The marriage is admitted as is evident from Ext.P2.

2. The controversy is insofar as the 1st petitioner's passport showing his wife's name as 'Fathima' whereas the wife has been issued with a passport in her alias 'Muthu P.B.'. The 1st petitioner, hence, is unable to take the 2nd petitioner abroad to his place of work since there is a discrepancy in the name of the spouse as entered in the 1st petitioner's passport, opposed to that entered in the 2nd petitioner's passport.

3. Both the petitioners on an affidavit affirm that the 2nd petitioner is known by the name 'Fathima' as also by an alias 'Muthu P.B.' The marriage certificate issued at Ext.P2

also indicates the name of the 2nd petitioner as 'Muthu P.B.'. Evidently, the 2nd petitioner has obtained the passport as is seen from Ext.P3 in the name of 'Muthu P.B.'. The Village Officer has also issued Ext.P5 indicating that the 2nd petitioner is known in the names of 'Muthu P.B.' and also 'Fathima'. The 2nd petitioner has also declared the name of the 1st petitioner as her spouse in her passport.

4. In such circumstance, there is no difficulty in allowing the change of name as has been indicated in Section IV of Schedule III to Passports Rules, 1980, specifically under Clause B - 'Change Of Name'. The certificate, as indicated therein, is available with the petitioners. Though the petitioners have not produced the application which has been filed, there is an averment that the 1st petitioner has applied before the 1st respondent for correction of name of the spouse, as indicated in the certificates aforementioned. In such circumstance, if such an application has been filed along with attested copies of

the documents produced in the writ petition, as referred to in the judgment, definitely the 1st respondent would have to consider the same in accordance with law and make the corrections within a period of three months from the date of production of the certified copy of this judgment. It is also made clear that the petitioners would also be entitled to move the Passport Issuing Authority, who has issued the passport, for such correction of name. That shall not however detain the 1st respondent from considering the application, if it is received on record and attested copies of the documents also have been produced.

The Writ Petition is allowed with the above direction.

Sd/-
K.VINOD CHANDRAN,
JUDGE