

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 19965 of 2014 (U)

PETITIONER:

**SHAMEENA P.K, AGED 34 YEARS
W/O.AHAMMEDKUTTY UMMER,
KAYAMKULAM HOUSE, MANNUTHY P O
THRISSUR-680651.**

**BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA**

RESPONDENT:

- 1. REGIONAL PASSPORT OFFICER
REGIONAL PASSPORT OFFICE, KOCHI-682011.**
- * ADDL.R2 IMPEADED**
- 2. KUNHIMOHAMMED
S/O. ABOOBACKER, KUNNATHVALAPPIL HOUSE
CHAMMANNUR DESOM, PUNNAYURKULAM,
THRISSUR- 679561.**

ADDL.R2 IS IMPEADED AS PER ORDER DATED 6.8.14 IN IA 10614/14.

**R1 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 BY ADV. SRI.SEBY JOSEPH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

WP(C).No. 19965 of 2014 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF LATTER DTD 15/9/2004 PRONOUNCING TALAQ**
- P2:- TRUE COPY OF RELEVANT PAGE OF PETITIONER'S PASSPORT**
- P3:- TRUE COPY OF CERTIFICATE OF PETITIONER'S MARRIAGE**
- P4:- TRUE COPY OF PETITIONER'S APPLICATION DTD 8/4/2014**
- P5:- TRUE COPY OF AFFIDAVIT DTD 11/4/2004 SWORN BEFORE JFCM III,
THRISSUR**

RESPONDENT(S)' EXHIBITS

**ANNEXURE A1: GOVERNMENT OF KERALA, LAW (E) DEPARTMENT ORDER
NO.20327/E2/06/LAW DATED 2/12/2006**

PJ

P.R.RAMACHANDRA MENON, J.
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W.P.(C) No.19965 of 2014
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Dated this the 2nd day of March, 2015

JUDGMENT

The petitioner has approached this Court seeking the following reliefs:

- i) Issue a writ of mandamus or any other appropriate writ, order or direction to the respondent to renew and re-issue petitioner's passport incorporating the name and address of her husband without insisting production of divorce order from a court of law in the light of Ext.P1 letter pronouncing talaq by her former husband.
- ii) Declare that the direction to produce divorce order from the court of law to renew and re-issue passport incorporating name and address of petitioner's husband is illegal in the light of Ext.P1 letter pronouncing talaq by her former husband.
- iii) Issue such other reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

2. The learned counsel for the petitioner submits that the petitioner has been issued a passport, having validity from 28.04.2004 to 27.04.2009, in the address of her husband. But, it is pointed out that the petitioner's husband divorced her by

pronouncing 'talaq' and the petitioner re-married one K.A Ummer as per Muslim religious rites and customs. After the second marriage, the petitioner approached the 1st respondent for renewal and re-issue of her passport incorporating the name and address of her new husband, which is evidenced by Ext.P4. But, the 1st respondent insisted production of divorce order from a Court of law. The learned counsel for the petitioner submits that in the light of Ext.P1 letter dated 15.09.2004 pronouncing 'talaq', there is no legal requirement to obtain separate divorce order from any Court of law.

3. The petitioner's former husband has been impleaded as additional 2nd respondent in this writ petition. Learned counsel for the 2nd respondent submits that 2nd respondent does not have any objection with regard to the renewal of the passport as sought for by the petitioner.

4. The learned Assistant Solicitor General appearing for the 1st respondent submits that petitioner will have to file an on-line application along with an affidavit explaining the facts.

4. In the said circumstances, the petitioner is relegated to file an 'on-line' application for renewal and re-issue of her passport incorporating the name and address of her second husband, along with an affidavit as above and the documents relied upon by the petitioner before the 1st respondent forthwith; on which event, the same shall be accepted and considered by the 1st respondent, passing appropriate orders in accordance with law, within a period of one month thereafter.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for further steps.

The writ petition is disposed of.

Sd/-
P.R.RAMACHANDRA MENON, JUDGE

vdv