

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 20164 of 2015 (U)

PETITIONER :

**THEYYAMPATTIL THASNEEM, AGED 25 YEARS,
D/O.ABDUL RAZAK, AYIRANI, KALPAKANCHERRY P.O., -679 551
REPRESENTED BY MOTHER AND POWER OF
ATTORNEY HOLDER HASEENA, D/O.SAIDALAVI,
AYIRANI, KALPAKANCHERRY, MALAPPURAM DISTRICT.**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT :

**THE REGIONAL PASSPORT OFFICER,
MALAPPURAM - 676 551.**

BY ASSISTANT SOLICITOR GENERAL SRI.N.NAGARESH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 20164 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE DIVORCE CERTIFICATE ISSUED BY MAHAL COMMITTEE
- EXHIBIT P2 TRUE COPY OF THE MARRIAGE CERTIFICATE DATED 11-07-2012 ISSUED BY THE MAHAL COMMITTEE.
- EXHIBIT P3 TRUE COPY OF THE EMPLOYMENT CERTIFICATE DATED 06-04-2015 ISSUED BY THE EMPLOYER OF THE PETITIONER'S HUSBAND.
- EXHIBIT P4 TRUE COPY OF THE EMPLOYMENT CERTIFICATE OF THE PETITIONER
- EXHIBIT P5 TRUE COPY OF THE ORDER DATED 06-05-2014 IN I.A NO.503/2014 O.P.NO.235/2014 OF FAMILY COURT, TIRUR.
- EXHIBIT P6 TRUE COPY OF THE FINAL ORDER DATED 27-06-2014 IN O.P NO. 235/2014 OF FAMILY COURT, TIRUR.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.S.TO JUDGE

sts

K. Vinod Chandran, J

W.P.(C).No.20164 of 2015-U

Dated this the 27th day of July, 2015

JUDGMENT

The petitioner seeks for a Passport to the minor daughter of the petitioner, who was born in a wedlock with one Shihab. The marriage between the petitioner and the said Shihab was divorced in September, 2011 and the petitioner has also contracted another marriage with one Abdul Vahid. The divorced husband of the petitioner had sought for custody of the child, which was dismissed as per Exhibit P6 order.

2. This Court sought for a report from the Family Court as to any further proceedings taken in the matter. The Family Court has specifically reported, by communication dated 23.07.2015, that no proceedings were taken by the divorced husband of the petitioner after Exhibit P6 final order was passed.

3. In the above circumstance, there is no ground to find that the petitioner has to have the consent of the divorced husband for a Passport to be issued to the petitioner for her minor daughter. This Court has, in ***Juvairiya v. Regional Passport Officer*** [2014 (1) KLT 990], held that if an affidavit is filed in

accordance with the Passport Rules, 1980, then, definitely the requirement in law is only the production of a sworn affidavit in the form prescribed in Annexure 'G', and in such circumstance, the Passport Issuing Authority would definitely have to consider the same and grant passport in such cases. In the light of the above, it is directed that the petitioner shall file a separate affidavit in Annexure 'G' explaining the circumstances. The petitioner shall do that immediately and the petitioner's application shall be considered and the Passport issued to the minor child within two weeks from the date of receipt of the application.

The writ petition is disposed of as above.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]