

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

WP(C).No. 25680 of 2015 (H)

PETITIONER(S):

**TEENA, AGED 35 YEARS,
DAUGHTER OF BENNY PALAL, PALAL GARDENS, CHITTETHUKKARA,
KAKKANAD, CSEZ P.O., ERNAKULAM DISTRICT,
PIN CODE:682 307**

BY ADV. SRI.BOBY MATHEW

RESPONDENT(S):

- 1. REGIONAL PASSPORT OFFICER,
KOCHI, PASSPORT SEVA KENDRA, GROUND FLOOR,
HEERA ROYALE, AIRPORT-SEAPORT ROAD, COCHIN PALACE P.O.,
KARINGACHIRA, ERNAKULAM DISTRICT, PIN CODE-682 301.**
- 2. JAICKES JACOB,
AGED 41 YEARS, SON OF JACOB M.I, MALAYIL HOUSE,
30/378 APATTAMCHERRY ROAD, POONITHURA P.O.,
ERNAKULAM DISTRICT, PINCODE -682 038.**

**R1 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 BY ADVS. SRI.REJI GEORGE
SMT.SIJI JOY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON'
23-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 25680 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 - TRUE COPY OF THE COMMON JUDGMENT DATED 28.05.2015 PASSED BY THE
FAMILY COURT, ERNAKULAM IN OP. 1421 OF 2010 AND OP. 2418 OF 2011.**

**P2 - TRUE COPY OF THE ON LINE APPOINTMENT RECEIPT GIVING APPOINTMENT TO
THE PETITIONER ON 07.08.2015 IN RESPECT OF THE PASSPORT APPLICATION
(ARN) 15-1007042345.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

~~~~~  
**W.P.(C).No.25680/2015**  
~~~~~

Dated this the 23rd Day of September, 2015

J U D G M E N T

The petitioner applied for a passport for her minor daughter. The marriage of the petitioner with the second respondent has been dissolved by a divorce decree passed by the Family Court, Ernakulam. The petitioner by Exhibit P1 order of the Family Court has been given permanent custody of the child subject to visitorial rights of the 2nd respondent. When the petitioner approached the Passport Authority as above, taking note of the visitorial rights given to the 2nd respondent, the Authorities insisted for production of a permission from this Court.

2. The 2nd respondent appeared before this Court through a counsel and submits that he has no objection in issuing passport to the minor and that his visitorial rights may be protected.

3. This Court is of the view that the petitioner's application for passport shall be considered without further consent of the 2nd respondent. The 2nd respondent, if finds that his visitorial rights are violated, is free to take appropriate action against the petitioner in accordance with law. The petitioner shall give an undertaking before the

W.P.(C).No.25680/2015

- : 2 : -

Family Court, Ernakulam in O.P. No.1421 of 2010 and 2418 of 2011 that the petitioner will not move the child outside the country, permanently, without obtaining orders from the Family Court. That undertaking shall be filed before the Family Court within two weeks from the date of receipt of a copy of this judgment after notice to the counsel appearing for the 2nd respondent. The Passport Authority shall issue passport in accordance with law based on this judgment. The Family Court shall issue necessary acknowledgement of filing undertaking by the petitioner and the petitioner shall produce acknowledgement before the Passport Authorities.

The writ petition is disposed of as above. No costs.

Sd/-

(A.MUHAMED MUSTAQUE, JUDGE)

ms