

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 26686 of 2015 (I)

PETITIONER :

**SHINU A.M. AGED 26 YEARS,
D/O. A.K.MUHAMMAD ALI, ALIYAMVEETIL HOUSE,
EDAVANAKKADU P.O., EDAVANAKKADU, PIN -682 502.**

**BY ADVS.SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SRI.V.S.SHIRAZ BAVA
SRI.JOSEPH KURIAN VALLAMATTAM**

RESPONDENTS :

- 1. UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,
PATIALA HOUSE, NEW DELHI - PIN -110001.**
- 2. THE REGIONAL PASSPORT OFFICER,
PASSPORT SEVA KENDRA, MOOSA VAIDYAR MEMORIAL BUILDING,
ALUVA - PERUMBAVOOR ROAD, (NEAR CASINO THEATRE)
ALUVA - 683 101.**

ADDL. R3 IMPEADED :

- 3. SHABIN SHAREEF, AGED 27 YEARS,
S/O. SHAREEFUDIN, ZAM ZAM VILLA, AKKONAM,
CHADAYAMANGALAM P.O. PIN - 61534, KOLLAM DISTRICT**

ADDL. R3 IS IMPEADED AS PER ORDER DT 15/9/2015 IN IA 13244/2015

**R1 & R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R3 BY ADV. SRI.V.A.AJIVAS**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE MARRIAGE CERTIFICATE NO.33/10 DATED 12.5.2010 ISSUED BY THE SECRETARY, EDAVANAKKADU JUMATH PALLI JUMATH, EDAVANAKKADU.
- EXT.P-2: TRUE COPY OF THE BIRTH CERTIFICATE ISSUED BY THE COCHIN CORPORATION ON 29.1.2015.
- EXT.P-3: TRUE COPY OF THE TALAQ KURI DATED 28.7.2015.
- EXT.P-4: TRUE PRINT OUT OF THE ONLINE APPLICATION FORM DATED 20.8.2015 SUBMITTED BY THE PETITIONER.
- EXT.P-5: TRUE COPY OF THE ONLINE APPLICATION RECEIPT DATED 21.8.2015 WITH ENDORSEMENT "MARRIAGE IN 2010 - DIVORCED DECREE REQUIRED".

RESPONDENT(S)' EXHIBITS :

- ANNEXURE R1(A): COPY OF LETTER DT 16/12/2014 ISSUED BY THE REGIONAL PASSPORT OFFICE, KOCHI ALONG WITH CLARIFICATION DT 23/12/2014 FROM ASSISTANT PASSPORT OFFICER (PV-I), MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI.
- ANNEXURE R1(B): COPY OF LETTER DT 2/12/2006 ISSUED BY LAW SECRETARY, GOVERNMENT OF KERALA, LAW (E) DEPARTMENT PASSPORT OFFICE, TRIVANDRUM.
- ANNEXURE R1(C): COPY OF REMINDER DT 19/8/2014 ISSUED BY REGIONAL OFFICER, KOCHI TO THE LAW SECRETARY,
- ANNEXURE R1(D): COPY OF LETTER DT 5/12/2014 ISSUED FROM THE LAW DEPARTMENT, THIRUVANANDAPURAM.
- ANNEXURE R1(E): COPY OF LETTER DT 1/3/2010 ISSUED BY THE PRINCIPAL SECRETARY, GOVERNMENT OF KERALA.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.26686 of 2015

Dated this the 5th day of October, 2015

JUDGMENT

The petitioner has been divorced by the third respondent. The parties belong to Muslim Community. The divorce has been effected by the pronouncement of Talaq by the third respondent. This has been affirmed by the third respondent as well.

In that view of the matter, this Court is of the view that without insisting for a divorce decree, the application for Passport shall be considered by the Passport Authority in accordance with law.

This writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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