

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 29642 of 2015 (E)

PETITIONER(S):

**SYAMLAL PURUSHOTHAMAN, AGED 48 YEARS,
S/O.LATE PURUSHOTHAMAN, PANAYAMCHERIL PUTHUVAL,
MANGALAM P.O., ARATTUPUZHA VILLAGE, KARTHIKAPILLY TALUK,
NOW RESIDING AT PO.BOX NO.414, DUBAI, UAE,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER,
MR. BALAKUMAR D., AGED 35 YEARS, S/O.G.DHIVAKARAN,
PUTHANVEETILTHARAYIL HOUSE, MALAMEL BHAGOM,
KARIYILAKULANGARA, ALAPPUZHA DISTRICT P.O. - 690 572.**

BY ADV. SMT.ASHA ELIZABETH MATHEW

RESPONDENT(S):

- 1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY, MINISTRY OF EMIGRATION,
GOVERNMENT OF INDIA, SECRETARIAT, NEW DELHI - I.**
- 2. CONSULAR OFFICER,
CONSULATE GENERAL OF INDIA, PO BOX NO.737, DUBAI,
U.A.E.**
- 3. REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE, PANAMPILLY NAGAR (P.O.) ERNAKULAM.**

*** ADDITIONAL R4 IMPEADED**

- 4. JASMINE, D/O.VIJAYAN,
KANNAMKARAKIZHEKKATHIL PUTHIYA VEEDU,
KOMALLOOR P.O., CHUNAKKARA,
MAVELIKKARA - 690 505.**

*** IS IMPEADED AS PER ORDER DTD.6.10.2015 IN IA.14332/2015.**

**R1-R3 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R4 BY ADVS. SRI.GEORGE VARGHESE (PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SRI.MANU SEBASTIAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
14-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 29642 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

P1:A TRUE COPY OF THE IDENTITY CARD ISSUED TO THE PETITIONER'S DAUGHTER FROM NEW INDIA MODEL SCHOOL, DUBAI.

P2:A TRUE COPY OF THE 1ST PAGE OF THE PASSPORT ISSUED TO THE PETITIONER'S DAUGHTER BY THE 2ND RESPONDENT ON 04.05.2010.

P3:A TRUE COPY OF THE PETITIONER'S PASSPORT ISSUED BY THE 2ND RESPONDENT ON 10.09.2008.

P4:A TRUE COPY OF THE JUDGMENT DATED 13.08.2015 OF THIS HON'BLE COURT IN WP(CRL) NO.364/2013.

P5: A TRUE COPY OF THE APPLICATION FOR RENEWAL OF PASSPORT PREPARED AND PRESENTED BEFORE THE 2ND RESPONDENT.

P6:A TRUE COPY OF THE AFFIDAVIT IN FORM G PREPARED FOR SUBMISSION BEFORE THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 29642 of 2015

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Dated this the 14th day of October, 2015

J U D G M E N T

The petitioner is working in Dubai. The petitioner approached Indian Consulate in Dubai for re-issuance of passport for his minor daughter namely Aadithya Syamlal.

2. It appears that proceedings regarding divorce between the petitioner and mother of child namely Jasmine is pending before the Family Court in Mavelikkara. The 4th respondent have also filed O.P (Guardian) No.1104/2012.

3. The facts disclose that the petitioner and the minor daughter is living in Dubai. Therefore this Court is of the view that without consent of the 4th respondent, the application shall be taken and considered by the Passport Officer for re-issuance on filing appropriate affidavit in this regard.

4. However it is made clear that the issuance of passport will not prejudice the 4th respondent agitating issue regarding custody of the child before the Family Court.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE