

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. 30274 of 2015 (H)

PETITIONER :

**VYSHNAVI, AGED 31,
D/O.T.K.VIJAYAN, PEZHUNGAL HOUSE, THOPPIL
THRIKKAKARA PO, ERNAKULAM DISTRICT, PIN-682021.**

BY ADV. SRI.NAVEEN THOMAS

RESPONDENT(S):

- 1. THE REGIONAL PASSPORT OFFICER
PASSPORT OFFICE, PANAMPILLY NAGAR, PIN-682036.**
- 2. RAJESH, AGED 35 YEARS
S/O.RAMANKUTTY, RAMAVILASAM HOUSE, POOKOTTUMANA
NILAMBUR, MALAPPURAM DISTRICT, PIN-679 332.**

R1 BY ADV. SRI.N.NAGARESH, ASGI

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

Mn

...2/-

WP(C).No. 30274 of 2015 (H)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 : THE TRUE COPY OF THE COPY OF OP.NO.1756/2014 DT. 18-9-2014 IN
 THE FILE OF HONOURABLE FAMILY COURT AT ERNAKULAM.**
- EXT. P2 : THE TRUE COPY OF THE CERTIFIED COPY OF ORDER DT. 24-3-2015 IN
 OP.NO.1756/2014 IN THE FILE OF HONOURABLE FAMILY COURT AT
 ERNAKULAM.**
- EXT. P3 : THE TRUE COPY OF THE BIRTH CERTIFICATE OF MINOR CHILD ESHA
 DT. 17-4-2013.**
- EXT. P4 : THE TRUE COPY OF THE APPLICATION BEFORE 1ST RESPONDENT
 DT. 28-9-2015 PREFERRED BY THE PETITIONER BEFORE THE 1ST
 RESPONDENT.**
- EXT. P5 : THE TRUE COPY OF THE ONLINE APPOINTMENT RECEIPT
 DT. 28-9-2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.30274 of 2015

Dated this the 14th day of October, 2015

JUDGMENT

The petitioner got separated with the second respondent by a decree of divorce by mutual consent. Ext.P2 is the decree. The petitioner submits that she is having custody of minor child, namely, Esha. The petitioner applied for Passport of the minor child. The Passport Authority insisted for production of the court order. Though notice has been issued to the second respondent, none appeared. Apparently, it is on account of the visitation right available to the second respondent, the Passport Authority insisted for such order.

This Court is of the view, the second respondent is free to work out his visitation right through Family Court. However, the right of visitation cannot be a reason to deny a Passport to be issued on an application filed by the mother who is having custody. Therefore, without prejudice to the right of the second respondent to enforce the right of visitation, the Passport Authority shall issue the Passport in accordance with law.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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