

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.37679 OF 2015

ORDER:

Heard.

This Writ Petition is filed questioning the action of the respondents, particularly respondents 2 and 3 in insisting on 'No Objection Certificate' from the 1st petitioner's husband for re-issue of the passport to the 2nd petitioner and for consequential directions.

The 1st petitioner states that because of strained relations between the 1st petitioner and her husband, their matrimonial dispute is the subject matter of D.V.C.No.81 of 2013 before the XIX Metropolitan Magistrate, Miyapur, wherein an order of interim maintenance is passed on 18.03.2013. The 2nd petitioner, minor child, while with her father, later has not presented her passport for renewal on or before 17.02.2015, which was the validity period of that passport. The said passport was handed over to the 1st petitioner by her husband during proceedings of D.V.C. and since the husband is not cooperating, she applied for re-issue of the passport on 25.06.2015 by paying the requisite fee. Along with the said application, the 1st petitioner has also submitted various documents including the order, dated 18.03.2013 in CrI.M.P.No.642 of 2013 in D.V.C.No.81 of 2013, referred to above. The 1st petitioner also states that she has submitted Annexure-G, which is the prescribed form to be submitted when the applicant is a single parent.

Learned counsel for the petitioners states that the said D.V.C. has since been disposed of on 24.07.2015 (Ex.P6) and as per the same, there is no reason for the respondents not to re-issue the passport of the 2nd petitioner.

Mr. T. Sujan Kumar, learned counsel appearing for respondents 1 to 3, on instructions, submits that as there are no details available regarding the said D.V.C., the petitioners' application, as aforesaid, could not be processed.

It is also evident and accepted by learned counsel for the petitioners that the D.V.C. has recently been disposed of on 24.07.2015 and that the 1st petitioner would submit a copy of the same to respondents 2 and 3 also, in continuation of the documents already served.

In view of the same, respondents 2 and 3 are directed to consider the application of the petitioners in the light of the documents already submitted and the order in D.V.C. as above, dated 24.07.2015, which will be submitted as per the directions of this Court and pass appropriate orders regarding re-issue of the passport to the 2nd petitioner expeditiously, preferably within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

26.11.2015

KH