

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.972 of 2015

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.09.10.2014 in IA.No.3027 of 2014 in G.O.P.No.544 of 2014 on the file of Hon'ble Principal District Judge, Kadapa.

2. The petitioner herein is the respondent in the said OP. The said OP has been filed by respondent herein against petitioner under Section 94 (c) of CPC for an interim order to declare that she is the sole custodian of minor boy by name Pranav, pending disposal of the OP for the limited purpose of approaching the Consulate General of USA regarding formalities for stay of the said minor child in India.
3. According to respondent, such an order was required for renewal of passport of the child and the Consulate General of USA had given a letter to her to produce notarized authorization by petitioner or an order of sole custody of the child, so that her request for processing the renewal of his passport, can be considered.
4. By order dt.09.10.2014, while directing urgent notice to petitioner through e-mail, fixing the date of hearing as 24.10.2014, the Court below granted an interim order declaring that respondent is guardian of the minor boy Pranav only for approaching the passport authorities and getting the passport of the said boy renewed.
5. Challenging the same, this Revision is filed.

6. Heard the counsel for petitioner.
7. The counsel for petitioner would submit that although the petitioner is not *prima facie* aggrieved by renewal of passport of the minor, there is danger to the child being taken away from India using the renewed passport, and therefore, the impugned order should be stayed.
8. It is pertinent to note that no such application to restrain the respondent from removing the child from the jurisdiction of the Court below has been moved by petitioner either in the trial court or in any other court. Mere renewal of the passport of the child, who is the son of petitioner and respondent, would not cause any prejudice to petitioner. If the petitioner apprehends that there is a danger of the child being removed out of the jurisdiction of the trial court or outside India, the petitioner is at liberty to take appropriate remedy available to him at law
9. Without moving such an application and seeking such relief either in the OP which is pending or in any other proceeding, it is not open to petitioner to seek such a relief restraining the respondent from removing the boy from the jurisdiction of the Court below or out of India, by way of an interim order in this Revision.
10. I see no merit in the Revision and the same is accordingly dismissed. No order as to costs.
11. As a sequel, miscellaneous petitions pending, if any in this Revision, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 13-03-2015

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