

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION No.30731 of 2016

ORDER:

In the Forenoon session, the petitioner sought permission of this Court to withdraw the instant petition with liberty to approach the trial Court. Accordingly, this Court granted permission to withdraw the instant petition with liberty as sought for and accordingly the same was dismissed as withdrawn.

At 4.00 P.M., the learned counsel for the petitioner has made a mention that the petitioner has taken decision keeping in view the communication dated 01.08.2016 of the 1st respondent, whereby, the petitioner was requested to furnish declaratory order authenticating and confirming that the foreign divorce decree is in accordance with Indian Law from the competent Indian Civil Court and he further requested to produce proper clarification/explanation for the same, without which the requested service cannot be provided to the petitioner.

Vide the present petition the petitioner seeks renewal of the passport issued on 23.05.2006.

Learned counsel for the petitioner submits that, in earlier passport, the name of the first wife was there, and she has taken divorce on mutual consent in US Court and now he has married to another lady. In the passport, the spouse name has to be mentioned. The first respondent has to add second spouse name. For the said purpose, the first respondent asked the petitioner to furnish the declaratory order as mentioned above.

Learned counsel for the petitioner has insisted that the first respondent is bound to make the correction based on the documents furnished by the petitioner.

The fact remains that the documents have not been confirmed or authenticated by any authority. Moreover, in such a situation, the 1st respondent has rightly asked the petitioner to get the declaratory order from the civil court. The said instruction issued to the petitioner for the reason that the office does not understand the provisions of CPC and sanctity of the decree passed by the court.

I am of the view that there is no material in the instant petition and the petitioner may approach the trial Court, if so advised.

Since the petition is taken on second time in this manner, the petitioner has wasted the valuable time of the court. Hence, while dismissing the petition, I hereby impose cost of Rs.10,000/- (Rupees ten thousand only) to be paid by the petitioner in the credit of the District Bar Association, Guntur District, within one week from today. Failing which, the Registrar General of this Court is directed to recover the amount as per law.

Accordingly, the Writ Petition is dismissed. No costs. Pending miscellaneous petitions, if any, shall stand dismissed.

JUSTICE SURESH KUMAR KAIT.

Date :12-09-2016

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