

THE HON'BLE SRI JUSTICE SANJAY KUMAR

C.A.Nos.62 & 63 of 2016

and

C.C.No.1852 of 2015

COMMON ORDER:

This contempt case was instituted alleging willful disobedience to the order dated 09.07.2015 passed by this Court in W.P.M.P.No.3510 of 2015 in W.P.No.2607 of 2015.

By the said order, the Regional Passport Officer, Ministry of External Affairs, Government of India, Secunderabad, was directed to process the passport application of the petitioner and import the name of her step-father therein and if the passport application was found to be otherwise in order, the respondent was directed to issue the passport within a time frame.

The contempt case was admitted on 09.12.2015 and posted on 25.01.2016 for appearance of the respondent.

While so, C.A.No.62 of 2016 was filed by the respondent to dispense with her presence on 25.01.2016 and on subsequent dates of hearing of this contempt case and C.A.No.63 of 2016 was filed by her to recall the order dated 09.12.2015 issued in Form-I. Both these applications were filed on 20.01.2016.

Today, when the matter was taken up, Sri K.L.N.Raghavendra Reddy, learned counsel representing Sri B.Narayana Reddy, learned Assistant Solicitor General for India, states that the order passed by this Court has been complied with.

Sri R.Harish Kumar, learned counsel for the petitioner, also confirms the same. However, the respondent is not present in person.

This Court has time and again stressed upon the requirement of dispense with/recall petitions being moved before the Court prior to the date of the appearance of the respondent as per the issued Form-I. Despite the same, learned counsel appearing for the Centre or the State and their instrumentalities continue to ignore this aspect of the

matter and the dispense with petitions are pressed only on the date the presence of the respondent is required. This practice adopted by the learned counsel is wholly improper as the presence of the respondent necessarily has to be dispensed with before the date on which such respondent is required to be present. This Court therefore condemns this practice in unequivocal terms.

In the present matter, as the order passed by this Court is stated to have been complied with, this Court sees no purpose served in insisting upon technicalities. However, the observations made supra may be taken heed of for the future, at least.

The contempt case is accordingly closed while dispensing with the presence of the respondent.

C.A.No.62 of 2016 is accordingly ordered.

In the light of the admitted compliance with the interim order, there is no necessity for recalling the order dated 09.12.2015.

C.A.No.63 of 2016 is accordingly dismissed.

No order as to costs.

SANJAY KUMAR, J

Date:25.01.2016

GJ