

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition (ST) NO. 13797 OF 2018

Julie Jayesh Shah

...Petitioner

Versus

Jayesh Trilok Kumar Shah

...Respondent

....

Mr. R.T. Lalwani i/b. Prakash Mahadik, Advocate for the Petitioner.

Ms. Taubon F. Irani, Advocate for the Respondent.

....

CORAM : R. G. KETKAR, J.

DATE : 15th JUNE, 2018

P.C.

1. Heard Mr. R.T. Lalwani, learned counsel for the petitioner and Ms. Taubon Irani, learned counsel for the respondent, at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner-wife has challenged the judgment and order dated 27.3.2018 passed by the learned Judge, Family Court No.2, Mumbai below Exhibits-318 and 319 filed by the respondent-husband. By that order, the Family Court directed the petitioner-wife to carry out amendment in Aadhaar Card of the child Parshva so as to insert the name of the respondent-husband. She was further directed to file copies of the documents submitted by her to Aadhaar Authority for carrying out amendment in Aadhaar Card of the child Parshva in the Family

Court.

3. Rule. Ms. Irani waives service on behalf of the respondent. Having regard to the narrow controversy raised in this Petition as also at the request and by consent of the parties, Rule is made returnable forthwith and the petition is taken up for final hearing.

4. One of the contentions advanced by Mr. Lalwani is that the power and authority of the Family Court is circumscribed in terms of Section 33 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (for short, 'Act') He submitted that in the reply filed to applications Exhibits-318 and 319 and in particular paragraphs-2 & 5, the petitioner has specifically raised contentions as regards the jurisdiction of the Family Court to issue any direction in the light of the Act and Regulations framed thereunder. The Family Court, however, did not deal with this aspect.

5. After arguing the Petition for quite some time, Ms. Irani submits that the respondent-husband will move the Authorities under the Act for inserting the name of the respondent in the Aadhaar Card of Parshva. She, therefore, submitted that the impugned order may be set aside by giving opportunity to the respondent-husband to move the Authorities under the Act.

6. In view thereof, by consent of parties, the impugned order is set aside, reserving liberty to the respondent to move under the Act for correcting Aadhaar Card of Parshva for inserting the name of the respondent. The Authorities shall deal with such an application in accordance with law, namely, the Act and Regulations framed thereunder. All contentions of the petitioner-wife, as regards the application proposed to be made by the respondent, are kept open. Rule is made absolute in aforesaid terms with no order as to costs. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)