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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7974/2018

SMT. CHAITALI VASOO

..... Petitioner

Through: Mr S. K. Bhaduri and Mr Prem
Prakash, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Sanjeev Narula, CGSC with Mr
Abhishek Khanna, Govt. Pleader and
Mr Rajat Gava, Advocates for R-1 &
R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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01.08.2018

CM No.30583/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 7974/2018

2. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to respondent nos.1 and 2 to impound and/or revoke the passport of respondent no.3 in terms of the provisions of Section 10(3)(h) of the Passport Act, 1967.

3. Mr Bhaduri, the learned counsel appearing for the petitioner has referred to an order dated 02.12.2015 passed by MM / (Mahila Court)-

01/South District, New Delhi, whereby respondent no.3 was directed to pay interim maintenance of ₹50,000/- per month out of which ₹20,000/- was for the petitioner and ₹30,000/- for the minor son of the petitioner and respondent no.3. The petitioner's grievance is that respondent no.3 has not complied with the said order. It is further stated that he is not participating in the proceedings and is avoiding the process of the court.

4. Mr Bhaduri also drew the attention of this Court to an order dated 12.01.2018 passed by MM/(Mahila Court)-01/South District, New Delhi, which indicates that the court had directed that a warrant of arrest be issued against respondent no.3.

5. The petitioner states that respondent no.3 is currently in Singapore and had failed to discharge his obligation to pay maintenance in terms of the orders passed by the Metropolitan Magistrate.

6. The petitioner had also issued a notice to the respondent requesting that the passport issued to respondent no.3 be impounded/ revoked in terms of Section 10(3)(h) of the Passport Act, 1967.

7. The petitioner has now received a letter dated 29.05.2018 from the Regional Passport Office informing the petitioner that respondent no.3 has been issued his latest passport from the Embassy of India in Philippines and, therefore, the petitioner should contact the said Embassy.

8. Plainly, the petitioner cannot be called upon to pursue her request with the Indian Embassy in Philippines.

9. In view of the aforesaid facts, respondent no.1 is directed to consider the averments made in the present petition and take an

appropriate decision in this regard, within a period of four weeks from today. The same would be communicated to the petitioner within a period of one week, thereafter.

10. The petition is disposed of in the aforesaid directions.

11. Order *dasti*.

VIBHU BAKHRU, J

AUGUST 01, 2018

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