

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.9229 OF 2017

Firdous Altaf Husain Inamdar .. Petitioner.
v/s.
The Secretary,
Ministry of External Affairs, New Delhi
& Another .. Respondents.

Mr. Rakesh Bhatkar for the Petitioner.
Mr. Mohamedali M. Chunawala, for the Respondents.

CORAM: A.S.OKA &
M.S.SANKLECHA, JJ.
DATE : 18th MARCH, 2019.

P.C:-

Heard the learned Counsel appearing for the Petitioner. The substantive prayers in this Petition are the prayer clauses (a) and (b), which read thus:-

“(a) that this Honourable court will pleased to issue writ of certiorari or any other writ in the nature thereby directing respondent to produce all the documents concerning no objection certificate dated 21st May, 2017 in respect of Altaf Husain Inamdar.

(b) That this Honourable court may be pleased to quash and set aside the no objection certificate issued on 21st of May, 2017 issued by the Indian Embassy for granting permission to settle the legal dues and liabilities with the sponsor in favour of mother of Late Altaf Husain Inamdar.”

2 Though a copy of NOC issued by the 2nd Respondent is not on record of the Petition, the Petitioner has annexed E-mail issued by the Indian Embassy at Saudi Arabia. The E-mail reads thus:-

“ Embassy issued NOC on 21/05/2017 for the burial of Late Sh. Altaf Hussain Inamdar who dies on 16/05/2017 in an accident, on the basis of notarized consent received from mother and wife of the deceased.

As the name of wife was not mentioned in the passport of late Sh. Inamdar and nothing had come to the notice of Embassy regarding his other wife, NOC was issued based on Notarized consent.

As per the police report the deceased Late Sh. Inamdar was 100% responsible for the accident, hence, death compensation is not admissible in this case. Regarding legal dues, Embassy was informed that all liabilities were settled with the sponsor.”

(emphasis supplied)

3 The Petitioner is claiming to be a legally wedded wife of late Altaf Husain Inamdar who appears to have died in Saudi Arabia. It appears from the averments made in the Petition and from the aforesaid E-mail issued by the Indian Embassy at Saudi Arabia that, another women is also claiming to be a wife of the deceased. From the said E-mail, it appears that NOC dated 21st May, 2017 was only for burial of the deceased and not for release of dues payable to the deceased by the employer or sponsor. The impugned NOC appears to be confined to the burial of the deceased. We fail to understand how the Petitioner can be aggrieved by the said NOC.

4 Further, according to the case of the Petitioner, the amount due and payable to the legal representatives of the deceased has been paid to the mother of the deceased and to another women who is claiming to be his wife. Firstly, the Petitioner will have to establish her

status as a wife of the deceased and secondly, she will have to proceed against persons who have received dues before the appropriate forum by filing appropriate proceedings.

5 Subject to what is observed above, no relief can be granted in the writ jurisdiction under Article 226 of the Constitution of India.

6 The **Petition disposed of**. However, legal remedies of the Petitioner and the contentions of the Petitioner on merits are kept open.

(M.S.SANKLECHA,J.)

(A.S.OKA,J.)