

A. No. 2918 of 2021
in O.P.No. 860 of 2016

ABDUL QUDDHOSE,J.,

The Original Petition No.860 of 2016 has been filed by the mother, seeking permanent custody of the minor child, Shiv Devan, born out of the wedlock between the petitioner and the respondent. The child is aged 11 years.

2. The Division Bench of this Court directed the parties to go for trial and the Division Bench has already directed the learned Master to complete the recording of evidence within a period of four months from the date of receipt of a copy of the order of the Division Bench.

3. In the interregnum, this application has been filed to direct the respondent/father to handover the passport of the applicant's son Shiv Devan to the applicant/mother so as to renew the passport and thereafter enable the applicant to take the minor child abroad whenever the need arises.

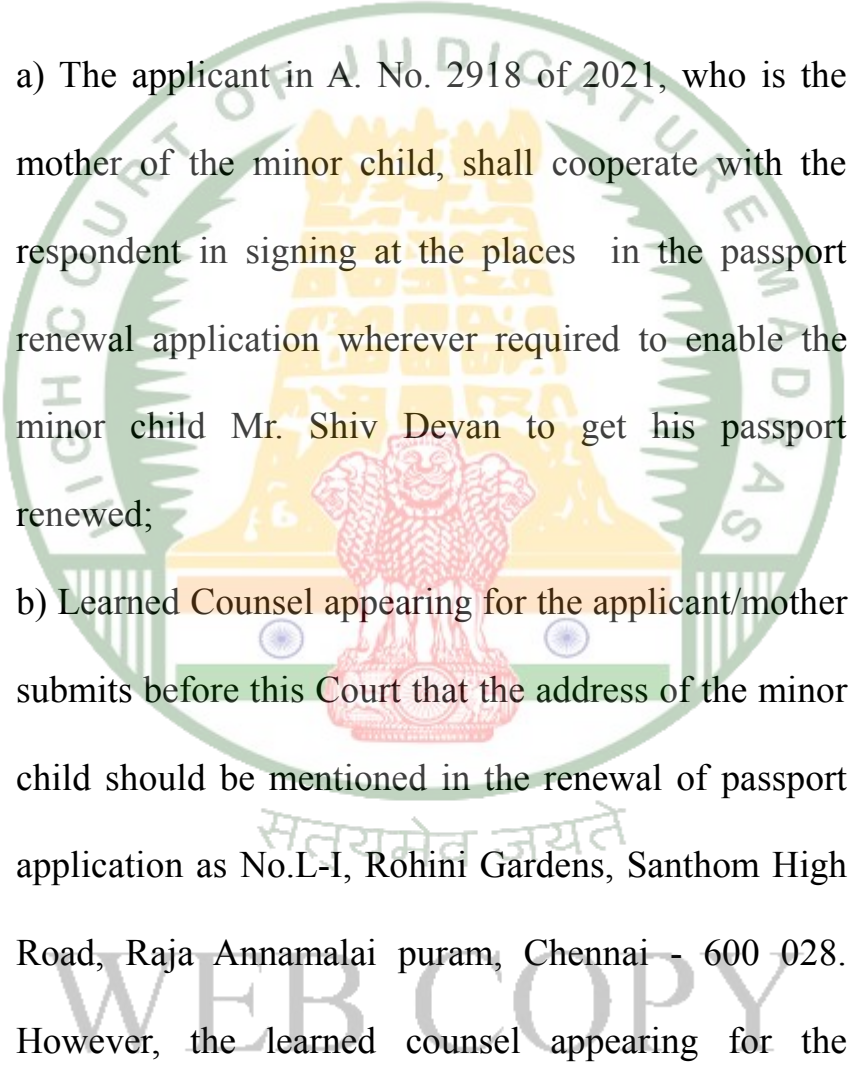
4. According to the applicant/mother, deliberately the respondent has not renewed the passport for the minor child. However, the same has been disputed by the respondent/father as seen from the counter affidavit filed by him.

5. According to the respondent, the applicant has not cooperated by putting her signature in the requisite places in the application form for obtaining renewal of passport.

6. This Court heard both the counsels at length and is of the considered view that for the disputes between the mother and father, the minor child Shiv Devan should not suffer. His fundamental right to travel should not be affected due to the disputes between the parents.

7. One is making allegations against the another, as seen from the affidavit filed in support of A.No.2918 of 2021 and in the counter affidavit filed by the respondent.

8. In order to protect the interest of the minor child/Shiv Devan and to enable him to get his passport renewed, the following directions are issued by this Court:

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- a) The applicant in A. No. 2918 of 2021, who is the mother of the minor child, shall cooperate with the respondent in signing at the places in the passport renewal application wherever required to enable the minor child Mr. Shiv Devan to get his passport renewed;
- b) Learned Counsel appearing for the applicant/mother submits before this Court that the address of the minor child should be mentioned in the renewal of passport application as No.L-I, Rohini Gardens, Santhom High Road, Raja Annamalai puram, Chennai - 600 028. However, the learned counsel appearing for the respondent/father would submit that the

aforementioned address is not a permanent address of the minor child, since the applicant/mother is yet to be declared as a guardian of the minor child. He would contend that the permanent address of the respondent(Father) is D.No.1111, Ceebros, Boulevard, 3/381, Old Mahabalipuram Road, Chennai - 600 097, eventhough, the respondent/father has given a different address in the counter affidavit which, according to him, is a temporary address and it is a rented premises.

c) The learned counsel appearing for the respondent/father, on instructions, would submit that the respondent will submit the duly filled up passport renewal application to the passport authorities without making false declaration regarding the address of the respective parties mentioned therein.

d) On receipt of the signatures of the applicant(Mother) as well as the minor child in the renewal of passport application wherever required, the respondent (Father) undertakes to apply for renewal of passport with the passport authorities for the minor child within three days from the date of receipt of the same from the applicant/mother.

e) The applicant(Mother) shall take her minor child to the passport authorities, whenever the passport authorities call for a personal interview without fail.

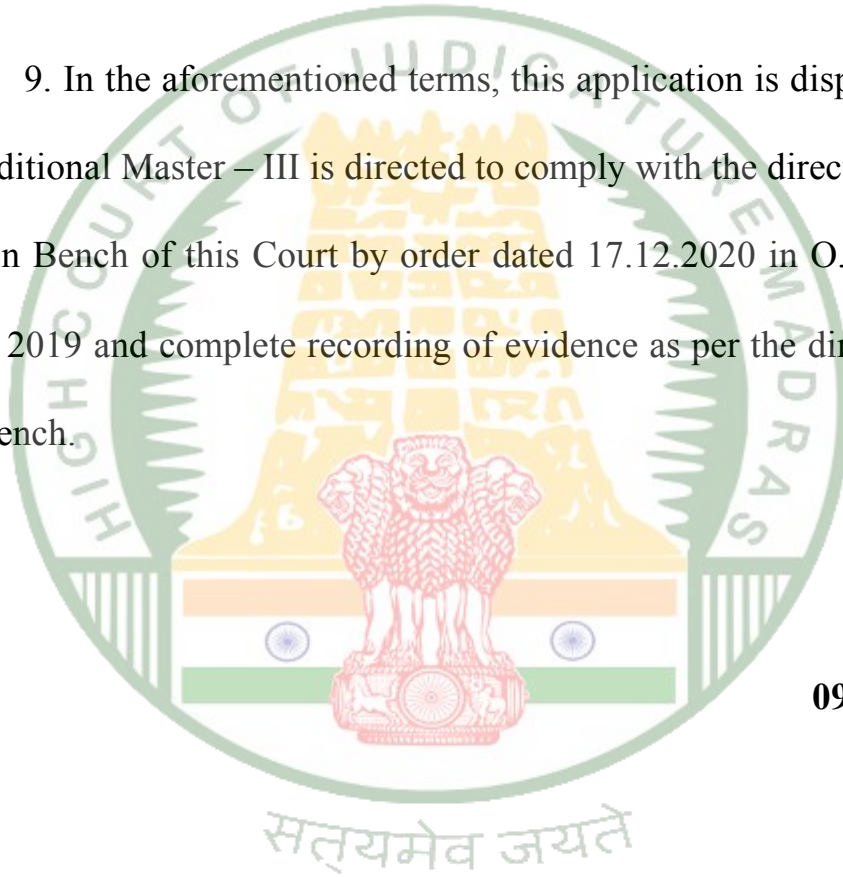
f) In case of any false declaration found to be made by the respondent(Father) in the renewal of passport application, the applicant (Mother) or the minor child shall not be responsible for the same.

g) Once the passport is renewed for the minor child and received by the respondent (Father), the applicant (Mother) whenever she plans to take the minor child abroad, shall intimate the date of her journey to the respondent (Father), four months in advance, to enable her to get visa for the minor child and on receipt of the said request, the respondent (Father) shall immediately handover the renewed passport to the applicant (Mother) to enable her to take the minor child abroad.

h) After completing her travel abroad along with her minor child and on return to India, the applicant (Mother) shall handover the passport back to the respondent (Father) within a period of three days from the date of their return from abroad.

i) It is made very clear that any party, violating any of the interim directions set out above, shall be liable for contempt of Court.

9. In the aforementioned terms, this application is disposed of. The learned Additional Master – III is directed to comply with the direction given by the Division Bench of this Court by order dated 17.12.2020 in O.S.A Nos.248 and 249 of 2019 and complete recording of evidence as per the direction of the Division Bench.



09.11.2021

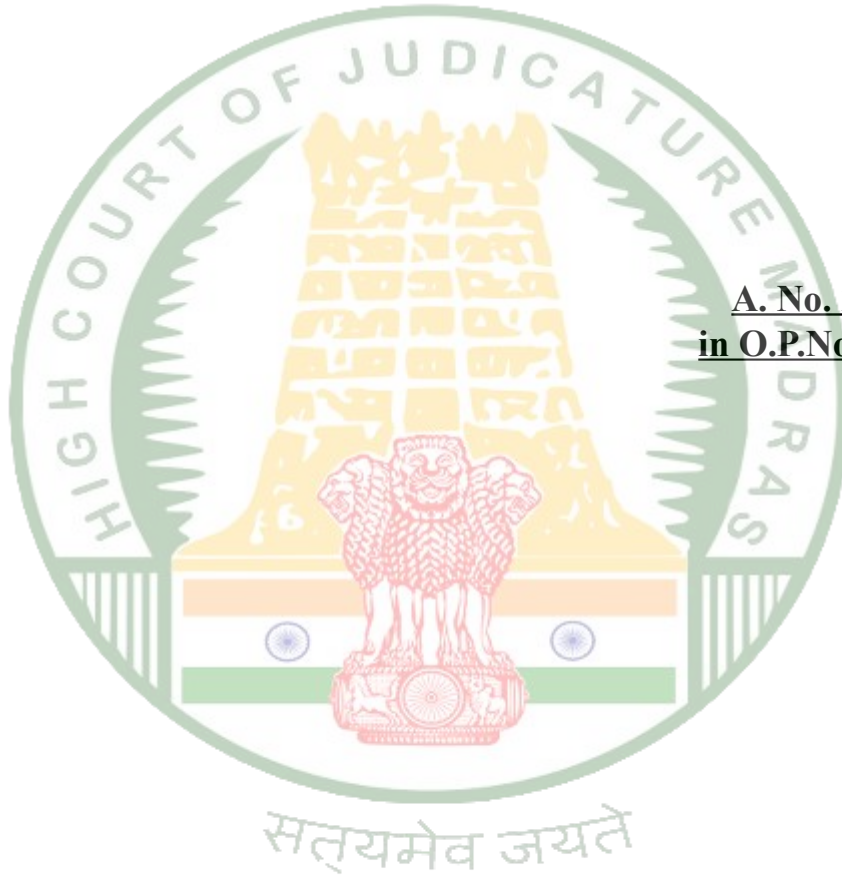
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