



Rev.Apl.W(MD)No.70 of 2022
in
W.P.(MD)No.5652 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Rev.Apl.W(MD)No.70 of 2022
in
W.P.(MD)No.5652 of 2022

Mani Prakash

... Petitioner

Vs.

1.K.Mohanapriya

2.The Regional Passport Officer,
Regional Passport Office,
Race Course Road,
Madurai-625 002.

3.The Passport Granting / Issuing Officer,
Passport Seva Kendra,
Claret Plaza, Melakkal Main Road,
Kochadai,
Madurai-625 016.

... Respondents

PRAYER: Petition filed under Order 47 Rule 1 & 2 r/w Section 114 of C.P.C., praying to review the order dated 15.07.2022 passed in W.P. (MD)No.5652 of 2022 on the file of this Court.

For Petitioner : Mr.R.J.Karthick

For R1 : Mr.V.Pandian



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For R2 & R3 : Mrs.L.Victoria Gowri
Assistant Solicitor General

ORDER

Heard the learned counsel on either side.

2. The petitioner seeks review of the order dated 15.07.2022 made in W.P.(MD)No.5652 of 2022. The said Writ Petition was filed by the first respondent herein. The first respondent herein got married to the review applicant on 23.01.2013. A male child Prajan was born on 06.08.2016. The relationship between the parties had come under strain. The review applicant filed H.M.O.P.No.85 of 2017 before the Sub Court, Dindigul for dissolving the marriage. An exparte decree came to be passed. Later, set aside petition was filed. Finally, O.P.No.152 of 2019 came to be disposed of by passing a decree of judicial separation for one year. The review applicant filed G.W.O.P.No.53 of 2019 seeking custody of the child. The said G.W.O.P was dismissed on 12.10.2020.

3. In these circumstances, wife/writ petitioner wanted to visit her sister at USA. She also wanted to take the child with her. Since the writ



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petitioner had certain difficulties, she filed the said writ petition for directing the passport authority to issue passport in favour of the child. The review applicant was very much served. But he did not enter appearance. In these circumstances, the writ petition was allowed with a direction to the passport authority to issue passport to the writ petitioner's child namely Prajan.M by indicating the name of the writ petitioner as single parent. Contending that due to circumstances beyond his control, he was not able to enter appearance, this review application has been filed.

4. The review applicant through his counsel fairly states that he will not have any objection for issuance of passport. His only grievance is regarding indication of the name of the writ petitioner as single parent. The petitioner hopes that there will be reconciliation between him and his wife in future. The respondents 2 & 3 have already complied with the direction given by this Court.

5. In these circumstances, the review application is disposed of with the following directions:-



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(I) The writ petitioner / R1 herein is directed to surrender the said passport.

(II) Since the petitioner has given his no objection, the respondents 2 & 3 are directed to re-issue the passport in respect of the child M.Prajan by indicating the name of the petitioner as well as Mrs.K.Mohanapriya as the biological parents of the child.

6. I place on record that in future, as and when any request is made by the writ petitioner regarding visa formalities, his no objection may not be required. However, in all the relevant records, the review applicant's name will be shown as biological father of the child M.Prajan.

7. The Review Application is disposed of accordingly. No costs.

05.12.2022

Index : Yes/No
Internet : Yes/No
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G.R.SWAMINATHAN, J.

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