

Husen

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1977 OF 2023
IN
FAMILY COURT APPEAL (ST) NO. 10252 OF 2021

Pooja Shantanu Pashankar @ Pooja Gul
Thandani ...Applicant

In the matter between:

Shantanu Dhananjay Pashankar ...Appellant

Versus

Pooja Shantanu Pashankar @ Pooja Gul ...Respondent
Thadani

Mr. Abhijit Sarwate a/w. Ms. Hardev Kaur Aidhen, for Applicant.
Mr. Amol B. Jagtap, for Respondent/original Appellant in FCA.

CORAM : R.D. DHANUKA &
GAURI GODSE, JJ.

DATED : 17th March, 2023

P.C. :

. We have heard learned counsel for the parties. By consent
of the parties following order is passed:

2. The Applicant/wife and Appellant/husband would file a
joint application for renewal of the passport of the daughter
Saloni to the concerned Passport Office/U.S. Consulate General,
situated at Bandra Kurla Complex, Bandra (E), Mumbai within
one week from today duly completed in all respects. Both the

parties agree that address of Saloni to be mentioned in the said application will be Appellant/*husband's* Pune address, for the purpose of passport. Mr. Sarwate, learned counsel for the Applicant/*wife* states that the charges, if any, for renewal of the passport shall be exclusively borne by the Applicant/*wife*. Statement is accepted.

3. The parties would apply jointly for an appointment. The parties have agreed that on a date of appointment that would be fixed by the Passport Office/U.S. Consulate, both parties would remain present for completing necessary formalities. Statements made by the learned counsel for the parties are accepted as and by way of undertaking to this Court.

4. The Applicant agrees to keep the daughter Saloni present at the time of appointment in the Passport Office/U.S. Consulate. The *Appellant/husband* is at liberty to meet the child in the Passport Office/U.S. Consulate by maintaining all decorum.

5. The Passport Office/U.S. Consulate is directed to transmit the passport duly renewed to the Registrar (Judicial) of this Court after giving intimation to the Applicant/wife as well as the

Appellant/husband. The Registrar (Judicial) of this Court to keep the said passport in safe custody and shall not part with the said passport without prior Order of this Court.

6. Both the parties agreed that in addition to the renewal of the passport of the daughter Saloni, other formalities of *converting the PIO (Person of Indian Origin) card to OCI (Overseas Citizen of India) card* will also be complied with.

7. It is made clear that both the parties would apply for *conversion of PIO card to OCI card to FRRO (Foreigners Regional Registration Office), Mumbai*. Both the parties further agreed that upon renewal of the passport that would be transmitted by the passport office/U.S. Consulate to the office of the Registrar (Judicial) of this Court, *if for the conversion of PIO card to OCI card the renewed passport is required*, the Registrar (Judicial) of this Court shall permit the Appellant-husband to withdraw the said *renewed* passport from the Office of the Registrar (Judicial) for the limited purpose of *conversion of the PIO card to OCI card*. The Registrar (Judicial) shall in the presence of both the parties handover the original *renewed* passport to the *Appellant/husband*. Whenever an application in writing is made by the Appellant-husband for withdrawal of the

passport from the office of Registrar (Judicial) for the purpose of *conversion of the PIO card to OCI card*, an application made by the *Appellant/husband* will be served upon Respondent's Advocate in advance. The learned Registrar (Judicial) shall hand over the passport in presence of both the parties by passing an appropriate order on the said application. The application that would be filed by the *Appellant/husband* shall indicate the time within which the passport would be returned by the *Appellant/husband to the Registrar (Judicial) of this Court*.

8. We accept the undertaking tendered by the learned counsel for the *Appellant/husband* that if the passport is returned to the *Appellant/husband* by the Registrar (Judicial) of this Court, after *conversion of the PIO card to OCI card*, the passport would be returned back to the Registrar (Judicial) of this Office. Undertaking is accepted.

9. If any party commits any breach of the Order passed by this Court, this Court will issue contempt notice under the provisions of Contempt of Courts Act, 1971.

10. Interim application is disposed of in the aforesaid terms.

11. The parties, the Registrar (Judicial) of this Office as well

as Passport Office/U.S. Consulate/Office, *Mumbai and Office of the FRRO (Foreigners Regional Registration Office), Mumbai of the OCI card* to act on an authenticated copy of this order.

12. All other compliances, if any, required for renewal of passport and OCI shall be duly complied with by both the parties.

(GAURI GODSE, J.)

(R.D. DHANUKA, J.)

Note: This order is modified by an order dated 31st March, 2023 passed on a praecipe dated 24th March, 2023. Corrections are shown in bold and italics.