

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5790 OF 2024

Prajakta Siddhesh Paralkar

..... Petitioner

VERSUS

Siddhesh Paralkar

..... Respondent

Mr. Abhijit Sarwate for the Petitioner (Thr. Video Conferencing).

CORAM: RAJESH S. PATIL, J.

DATE : 18 APRIL, 2024

P.C. :-

This petition has been filed by the wife challenging an order dated 11 March, 2024 passed by the Family Court, Pune, thereby rejecting an application of the wife filed for direction to the husband to provide documents for the renewal of the passport of son Tanish.

2. Mr. Sarwate, learned counsel appearing for the petitioner/ wife submits that the passport authority has kept the application for renewal of the passport of the son on, hold. He submits that having a passport is a right which cannot be denied in law.

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3. Heard. I have gone through the documents on record.

4. The reason for which the Family Court has rejected the application of the wife is that the petition filed by the wife for divorce is at the evidence stage. The issues were framed on 5 January, 2022. the wife without adducing the evidence, had filed an application seeking directions for payment of amount. Thereafter again similar kind of application was preferred by the wife. On 4 August, 2022, the petitioner filed an affidavit of evidence. Thereafter, an application for child access and payment of arrears of maintenance is filed by both the parties. The Court has therefore held that even though the matter is for evidence, but it cannot proceed with the evidence. Since, applications after applications are made by the petitioner.

5. The Family Court has further observed that on 31 January, 2024 an application was preferred by the wife seeking directions to the husband as regards renewal of the passport of son Tanish.

The Court observed that the passport of the son had expired on 15 February, 2021 i.e. three years back. Hence, the Court has rejected the application filed by the wife.

6. The Court according to me has rejected the application of the wife since the application of the wife is not in clear sense seeking which kind of document is required from the husband. And the Family Court had taken into consideration that the petitioner wife was not ready to proceed with the evidence of the matter.

7. According to me, suffice will be the purpose if without prejudice to the rights and contentions of the husband, he is directed to supply the documents as mentioned by the wife in the e-mail dated 3 February, 2024; and the hearing of the Family Court, petition is expedited.

8. The writ petition is disposed of with following directions :-

(i) The hearing of P.A.No. 363 of 2020 is hereby expedited.

(ii) Both the parties would not seek any unnecessary adjournment in the pending P.A.No. 363 of 2020.

(iii) The respondent husband after being communicated of this order, should by e-mail within a span of one week supply copy of his passport along with Aadhar Card to the e-mail I.D. of the petitioner/wife.

(iv) The said e-mail I.D. is on page no. 63 of this petition.

9. Writ petition is disposed of.

10. The parties to act on the authenticated copy of this order.

[RAJESH S. PATIL, J.]