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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6747 OF 2024

Hazel Dsouza

.....Petitioner

Vs.

Joel B Dsouza

.....Respondent

Mr. Amol B. Jagtap i/b Ms. Chandni Sachade for petitioner

CORAM : GAURI GODSE, J.

DATE : 1st JULY 2024

ORDER:

1. Learned counsel for the petitioner mentioned this matter out of turn on the ground that passports of the minor children have expired. Hence, he needs urgent directions in the matter. The impugned order in the petition is not on an application seeking permission for renewal of passport. Learned counsel for the petitioner submits that application is already filed in the Family Court seeking permission for renewal of passport and the same is pending.

2. So far as the present petition is concerned, the application of the petitioner for permission to move the children to Canada has been rejected. Hence, the petition cannot be decided in absence of the respondent. Court notice issued to the respondent is not yet served and the office remark shows that report is awaited.

3. Learned counsel for the petitioner submits that private notice is served upon the respondent through post, WhatsApp and E-mail. He has already filed service affidavit in the Registry. Copy of the service affidavit is taken on record. Since none appears for the respondent, issue notice for final disposal at admission stage. Notice is made returnable on 22nd July 2024. Since the copy of the petition is already served upon respondent by private notice, office is directed to issue only the notice for final disposal of the petition to the respondent.

4. In addition to Court notice, petitioner is at liberty to serve the respondent by private notice alongwith copy of this order and file affidavit of service before the next date.

5. It is clarified that if none appears for the respondent in spite of service, the petition will be heard on merits in absence of the

respondent on the next date.

6. List the petition on 24th July 2024. To be listed under the caption “For final disposal at admission stage”.

[GAURI GODSE, J.]