



WEB COPY

A.No.2232 of 2024 in
O.P.No.754 of 2023

C.V.KARTHIKEYAN,J

This application has been filed by the mother of the minor child Noof Bint Fahad who was born on 19.04.2022. The marriage between the petitioner and the respondent took place on 26.12.2016. It was also registered with the local Registrar, Kannur Corporation at Kerala. The respondent was employed as an Accountant in Doha, Qatar and the petitioner relocated to that place. However, the respondent had indicated openly that the marriage had ended in a divorce in consonance with the Muslim Law of Divorce. The petitioner has denied that the marriage had ended in divorce. The respondent, according to the petitioner, had remarried. It was under those circumstances, the petitioner has filed O.P.No.754 of 2023 seeking custody of the child.

2. In this application, the petitioner seeks permission to take the child to Germany. Notice was directed to the respondent. Though notice had been served on the respondent, he had taken a conscious decision not to appear before the Court.

3. It is also contended that the petitioner had lodged a complaint and a First Information Report had also been registered against the respondent



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under the Protection of Women from Domestic Violence Act, 2005. After final report, C.C.No.1126 of 2023 is now pending on the file of the I Judicial Magistrate, Kannur at Kerala. Since the respondent did not appear before the Court, a Non Bailable Warrant is also pending against him.

4. In view of that particular fact, the petitioner has now sought a relief that since it would not be possible for her to obtain consent as required for a visa application, the signature of the petitioner will suffice. A direction is issued to the appropriate Visa authorities to issue and approve the Visa of the minor daughter of the petitioner Noof Bint Fahad who was born on 19.04.2022 with the signature of the petitioner alone to travel to Germany and the authorities may not insist on the signature or consent from the respondent, particularly since the respondent had remarried and the more importantly, there is a Non Bailable Warrant pending against the respondent and therefore, there is no possibility of him surfacing anywhere at all.

5. In view of the above, this Application stands allowed.

22.04.2024

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