



W.P.(MD)No.4782 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4782 of 2024

Subbaiah

... Petitioner

Vs

- 1.The Government of India,
Ministry of External Affairs,
New Delhi.
- 2.The Embassy of India at Kuwait,
Office of the Embassy of India at Kuwait,
Kuwait.
- 3.The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
2nd Floor, Corporation Commercial Complex,
7th Cross Street, West Thillainagar,
Tiruchirapalli,
Tamil Nadu – 620 018.
- 4.The Superintendent of Police,
Sivagangai District,
Sivagangai.

5.R.Radhika

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to renew the petitioner's son passport namely KALIMUTHU SUBBIAH bearing Passport No. M0492719 by considering the petitioner's son Passport Renewal Application Reference No. 23-20004446478 so as to enable petitioner's son to get renewal of his visa for working as a Charge Hand with M/s. AL Mulla Cleaning and Maintenance Services of AL MULLA GROUP at Kuwait within the time stipulated by this Court.

For Petitioner : Mr.P.Mahendran
For R-1 to R-3 : Mr.G.Rajaraman
For R-4 : Mr.R.Albert James
Government Advocate
(Criminal Side)
For R-5 : Mr.J.John

ORDER

Heard both sides.

2. The writ petitioner's son got married to the fifth respondent on 08.02.2013. The matrimonial relationship had come under strain. But till date, the marriage has not been dissolved in the manner known to law. The fifth respondent initiated proceedings before the Matrimonial Court and obtained order for maintenance. The arrears payable by the petitioner's son have



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mounted to Rs.6,00,000/-. The petitioner's son is presently working in Kuwait.

His visa had expired and his passport is to expire on 01.09.2024. It is stated that as per the Kuwait regulations, visa will be renewed only if the visa holder's passport is valid for a period of one year or more. Since the validity period is less than one year, the petitioner's son visa could not be renewed. The petitioner's son is therefore facing difficulties in Kuwait and that is why the father has filed the present writ petition.

3. I made it clear that unless the petitioner's son clears his maintenance liability, I will not grant relief. The petitioner has produced the Demand Draft for a sum of Rs.1,26,000/- (Rupees One Lakh Twenty Six Thousand only). The original Demand Draft has been handed over to the learned counsel appearing for the fifth respondent. The petitioner present before this Court and gives an undertaking that the balance amount of Rs.4,74,000/- (Rupees Four Lakh Seventy Four Thousand only) will be paid by the petitioner's son within a period of four months from today. This undertaking given the petitioner is recorded. If the petitioner breaches this undertaking, the fifth respondent is permitted to move this Court by way of Contempt Petition and this Court will not hesitate to impound the petitioner's son passport.



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4. This Writ Petition is disposed of in the following terms:

- a) The petitioner's son is permitted to appear before the Indian Embassy at Kuwait. His passport shall be renewed.
- b) The petitioner's son shall obtain visa extension thereafter. The petitioner's son will have to come down to India in the month of May 2024 and appear before the concerned Courts and secure recall of the warrant.

5. This Writ Petition is disposed of accordingly. No costs.

27.03.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

Note: Issue Order Copy on 01.04.2024.



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To

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G.R.SWAMINATHAN, J.

Nsr

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