



W.P.(MD).No.6427 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.6427 of 2024

Minor B.Bebin Marx Durai Nadar,
Represented by his mother and natural guardian,
Raja Bytlin.

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Madurai,
Tamil Nadu.

2.G.Belvin Marx

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to renew the passport in File No.MD2062113374719 of the petitioner's minor son B.Bebin Marx Durai Nadar without insisting on the consent of the father within a time stipulated by this Court.

For Petitioner : Mr.N.Dilip Kumar

For R-1 : Mr.A.P.Rajasimman

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the first respondent.



W.P.(MD).No.6427 of 2024

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2. The petitioner, Raja Bytlin, got married to one G.Belvin Marx on 16.05.2018. A male child, by name, B.Bebin Marx Durai Nadar, was born on 16.03.2019. The marital relationship between the parties had suffered a break down and they are now living separately. The child is with the mother. I.D.O.P.Nos.87 of 2021 and 162 of 2021 are pending on the file of the District Court, Tirunelveli. The wife has filed a petition for restitution of conjugal rights and the husband has filed a petition for dissolution of marriage.

3. It is admitted that the second respondent herein has not filed any petition seeking custody of the minor child. All that the petitioner wants is the renewal of her minor son's passport. Since the first respondent may insist on consent from the second respondent, the present Writ Petition came to be filed.

4. The learned counsel for the petitioner drew my attention to the relevant guidelines and contends that if there is no prohibitory order from the matrimonial Court, consent of the spouse need not be insisted upon.

5. I therefore direct the first respondent to process the petition mentioned application without insisting on consent from the second respondent. The first



W.P.(MD).No.6427 of 2024

respondent shall issue passport, as sought for by the petitioner for the minor son. Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

27.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To
The Regional Passport Officer,
Regional Passport Office,
Madurai,
Tamil Nadu.



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W.P.(MD).No.6427 of 2024

G.R.SWAMINATHAN, J.

Lm

W.P.(MD).No.6427 of 2024

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