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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 16273/2024 & CM APPLs. 68492/2024, 68493/2024**
NAMRATA GUPTA @ NAMRATA AMARPetitioner

Through: Mr. Diwakar Singh, Advocate.

versus

STATE GOVT OF NCT OF DELHI AND ORSRespondents
Through: Mr. Farman Ali, SPC with Mr.
Hussain Adil Taqvi, G.P., Ms. Usha
Jamnal and Mr. Krishan Kumar,
Advocates for UOI.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
11.12.2024

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1. The present writ petition has been filed seeking the following prayers:

- a. *Issue a writ of mandamus or any other appropriate writ, order, or direction to trace the ex- husband of the Petitioner, herein Respondent No. 4, and direct the concerned authorities to produce him before this Hon'ble Court, so that he may be held accountable for evading the payment of maintenance and child support as ordered by the Dubai courts;*
- b. *Issue a writ or direction to the Regional Passport Officer, Delhi to process the application for change of the Petitioner's name from **NAMRATA GUPTA to NAMRATA AMAR** and to change the address in her passport accordingly;*
- c. *Issue a writ or direction to the Regional Passport Officer, Delhi for the necessary change in the name of the baby daughter from **AMARA YAMEER GUPTA to AMARA AMAR** in the passport;*
- d. *Issue a writ or direction to the Regional Passport Officer, Delhi for the necessary change in the address in the passport of the minor daughter Amara from **House no. 2356, Sector 35 / C, Chandigarh***



- 160036, Chandigarh, India to Khansaheb residency, 17b Street, Dubai, UAE, whose legal custody rests with the Petitioner;

- e. *Direct Respondent No. 4 to pay all arrears of maintenance and child support as ordered by the Dubai courts and the amount for which he was being served a notice for be Saudi court within a stipulated time, failing which appropriate legal action should be initiated against him;*
- f. *For interim and ad-interim reliefs in terms of prayer clause (a), (b), (c), (d) and (e) hereinabove;*
- g. *Any other and further reliefs as the nature and circumstances of the case may be granted;”*

2. Counsel for the Petitioner asserts that the Petitioner has a judgment delivered by the Dubai Court, and asserts that under the notification issued by the Ministry of Law and Justice dated 17th January, 2020, in exercise of powers conferred by Explanation 1 to Section 44A of the Code of Civil Procedure, 1908,¹ the Central Government has declared United Arab Emirates to be a reciprocating territory for the purposes of the said section and accordingly, the orders passed by Dubai Courts are executable under the CPC. In light of the above, in case the Petitioner desires to execute the judgment passed by the Dubai Court, the Petitioner is free to take recourse to appropriate procedure under the CPC. The writ is therefore, not the correct remedy.

3. As regards the Petitioner’s first prayer for issuance of directions to trace Respondent No. 4, is concerned, it must be noted that Respondent No.4 is not an accused in any FIR/complaint. Further, the Petitioner can file a missing person complaint before the appropriate police station and the police authorities can take appropriate action on the Petitioner’s request.

¹ “CPC”



4. In so far as the Petitioner's prayer (b) and (c) are concerned, the Petitioner can approach the Regional Passport Office for carrying out the necessary change of names in the passports issued to her and her daughter. Prayer (d) is not being pressed by the Petitioner.
5. With respect to prayer (e), the Petitioner has to take recourse to appropriate proceedings under the matrimonial and maintenance laws for claiming maintenance and child support. If the directions already issued by Dubai Court to this effect have to be executed, as observed above, the Petitioner can take recourse to the procedure provided under the CPC.
6. In light of the above, none of the reliefs sought in the present petition can be entertained under Article 226 of the Constitution of India. The Court is therefore, not inclined to entertain the present petition.
7. Dismissed along with pending applications.

SANJEEV NARULA, J

DECEMBER 11, 2024

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