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A NO. 212 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-01-2025

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THE HONOURABLE MR JUSTICE S.M. SUBRAMANIAM

A NO. 212 of 2025

in OP NO. 762 OF 2024

Reka Chakravarthy
D/o.C.Raghunathan, C207, Srishti Signature
Apartments, Ottiyamabakkam Main Road, Valluvar
Nagar, Sithalapakkam, Chennai - 600 131.

Applicant(s)

Vs

Ganapathi Govindaraj
S/o.R.G.Govindaraj, No.46, Advocate Ramanathan
Nagar, Thirupathur- 635 601.

Respondent(s)

For Applicant(s): M/s.S.RAJASEKAR

For Respondent(s): No appearance (for respondent)

Ms.P.J.Anitha, Central Government Standing Counsel (for Passport
Office)

ORDER

The Original Application on hand has been instituted in GWOP.No.762 of 2024 seeking permission to the petitioner/mother to apply for the Passport and Visa/OCI Card for the minor children viz., (1) Sakhetharam Ganapathi born on 18/05/2020 (aged about 4 years) and Thejasvi Raam Ganapathi born on 26/02/2022 (aged about 2 years) for taking them to The United States of

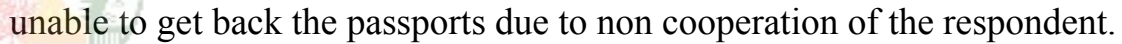


America, without the consent of the respondent pending disposal of the O.P.No.762 of 2024 on the file of this Court.

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2. The GWOP has been instituted seeking permanent custody of two minor children aged about 4 years and 2 years. During the pendency of the GWOP, the petitioner/mother of two minor children instituted the present application, mainly on the ground that, to protect the welfare of the children as well as for their well being, she had submitted an application seeking job in the University of Michigan as a Research Fellow in Department of Neurosurgery in the pay scale above \$ 61,008 USD, which is equivalent to Rs.52,50,000/- approximately. The respondent/father of the minor children is presently employed in Singapore and has no intention to maintain the petitioner as well as his minor children. The petitioner and her two minor children are presently living with the parents of the petitioner and the respondents is not taking care of the children. The respondent is not paying any maintenance to the children or to the petitioner/wife. Now the petitioner is living with the help of her parents and decided to take a job at The United States of America, since she is highly qualified. The first child namely Sakhetharam Ganapathi is an Indian citizen. The second child Thejasvi Raam Ganapathi born in New York and therefore, a US citizen. Both the passports are with the custody of respondent/father and therefore, the petitioner is not in a position to take the children to United States.

In spite of the efforts taken by the petitioner to get back the passports, she is



4. The rights and interest of the children are of paramount importance and to be protected by the Courts. Since the respondent has not maintained the petitioner/wife and his two minor children, it necessitated the petitioner/mother to secure a job in The United States of America, since she is highly educated. The respondent ought to have cooperated with the petitioner, atleast for the purpose of securing a job and to protect the interest of the children, which he failed to do so. Thus, the intervention of this Court is inevitable.

5. The well being of the two minor children are also to be considered by this Court. The petitioner cannot expect her parents to spend for her and her children. As a prudent mother of two minor children and as a qualified person, she secured a job in The United States of America and decided to travel in order



to develop her career and to maintain the well being and interest of two minor children.

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6. The respondent is in Singapore. Therefore, there is no impediment for the respondent to visit the children in The United States of America with the permission of the petitioner/mother, if he desires to do so. No petition seeking dissolution of marriage has been instituted by either of the parties. Thus, there is a possibility of reunion also. It is for the petitioner and the respondent to take decision in this regard. As far as the present mitigating circumstances, as placed before this Court are concerned, the career of the petitioner, which is a basic right and the interest of two minor children aged about 4 years and 2 years is to be taken into consideration, for the purpose of their well being and to protect the rights of the minor children.

7. The learned counsel for the petitioner would submit that notice was served to the learned counsel appearing on behalf of the respondent well in advance. The petitioner further informed the learned counsel for the respondent that the petitioner is moving an interim application in O.P.No.762 of 2024 before the Vacation Court on 17.01.2025. Proof of service of notice on 12.01.2025 is enclosed along with the typed set of papers filed in the present Application. The learned counsel for the respondent replied by stating that, due to Pongal festival,



he is in his native place and not in a position to appear before the Vacation Court. The learned counsel for the petitioner further replied by stating that, *“In the light of urgency, we are compelled to move the Vacation Court of the Hon'ble High Court of Madras. The application has been numbered as Appln.No.212 of 2025 and has been listed on 17.01.2025. It is open to the learned counsel for the respondent to appear through video conferencing and further, there are three other counsels on record are available as per the vakalatnama filed by the respondent.”*

8. This Court is of the considered opinion that, any attempt to protract and prolong the urgent application, at no circumstances, be encouraged by the Courts. When the learned counsel for the petitioner specifically mentioned that there is an urgency, as the petitioner has to join in the University of Michigan, The United States of America on 02.02.2025, the learned counsel for the respondent could have made some arrangements to represent the case. Contrarily, he simply replied by stating that, he is in native place on account of Pongal festival. The learned counsel for the respondent ought to have appeared atleast through video conferencing mode, which is permissible. Therefore, this Court could able to draw an inference that, the respondent made an attempt to prolong the issues, knowing the fact that there is an urgency in the present application, since the petitioner has secured a job in The United States of America for a decent salary in order to maintain her and her two children, who



have not been maintained by the respondent so far. It is informed before this Court that the parents of the petitioner are also accompanying the petitioner and her children to the United States of America.

9. Ms.P.J.Anitha, Central Government Standing Counsel takes notice for Regional Passport Office, Tambaram.

10. Taking note of the fact and circumstances in entirety, this Court is inclined to pass the following orders,

(i) The petitioner is permitted to submit an application for the Passport and Visa/OCI Card for the minor children viz., (1) Saktharam Ganapathi born on 18/05/2020 (aged about 4 years) and Thejasvi Raam Ganapathi born on 26/02/2022 (aged about 2 years) for taking them to The United States of America, without the consent of the respondent and pending disposal of the G.W.O.P.No.762 of 2024 on the file of this Court.

(ii) The Regional Passport Officer, Tambaram is directed to expedite the process by following due procedure, enabling the petitioner and her two minor children to travel to The United States of America, if the application is otherwise in order.



11. With the above directions, the Application stands allowed.

17-01-2025

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Note: Issue order copy by today (17.01.2025).

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To

1. Ganapathi Govindaraj
S/o.R.G.Govindaraj, No.46, Advocate Ramanathan Nagar,
Thirupathur 635 601.

2. The Regional Passport Officer, Tambaram



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S.M.SUBRAMANIAM, J.

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