

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO.2066 OF 2020

IN

CIVIL APPEAL NO.3559 OF 2020

Smriti Madan Kansagra

... Appellant

Versus

Perry Kansagra

... Respondent/
Applicant

ORDER

In the majority judgment (authored by Hon'ble Ms. Justice Indu Malhotra), one of the directions issued in paragraph 20 was as under:

“(c) Perry will apply and obtain a fresh Kenyan passport for Aditya, Smriti will provide full co-operation, and not cause any obstruction in this behalf.”

This Miscellaneous Application has been filed submitting *inter alia*:

- “3. In this regard, it may be considered that the Respondent had queried the Competent Authority in Kenya in relation to obtaining a Kenyan Passport for Master Aditya Vikram Kansagra on an earlier occasion and the Respondent had been informed that a Passport would be issued only after the child travels to Kenya on the strength of a one-time travel document issued by the High Commission of Kenya in New Delhi and after the child is present in person in Kenya.
4. Accordingly, in view of the said response by the Authorities in

Kenya, by way of the present Application, the Respondent prays that the condition in relation to applying for and obtaining a Kenyan Passport for Aditya Vikram Kansagra be made applicable only after the child reaches Kenya with the Respondent.”

It is thus asserted that on the strength of One-Time Travel Document issued by the High Commission of Kenya in New Delhi, Aditya Vikram Kansagra will be able to travel to Kenya and that it is only after his arrival in Kenya that a Kenyan Passport will be issued in his name.

The application and the assertions made therein are not objected to. However, Mr. Prosenjeet Banerjee, learned Advocate submits that instead of an Affidavit of a Pairokar or an Attorney, for the purposes of record, let there be an appropriate Affidavit of Mr. Perry Kansagra in support of the application.

We, therefore, grant the request made in the application. We direct that an affidavit supporting the assertions made in the application shall be filed by Mr. Perry Kansagra as early as possible and preferably within ten days.

It may be recorded that an Affidavit of Undertaking in terms of the directions issued in aforesaid paragraph 20 has already been placed on record by Mr. Perry Kansagra.

Mr. Anunaya Mehta, learned Advocate for Mr. Perry Kansagra also submits that the amount of Rupees One Crore as directed in said paragraph 20 be allowed to be transmitted through Electronic SWIFT Transfer/Online Bank Transfer mode into the account of the Registry of the Supreme Court.

We accept the prayer and direct the Registry to furnish the relevant details to the learned Advocate instructing Mr. Anunaya Mehta, Advocate to facilitate transmission of money through Electronic SWIFT Transfer/Online Bank Transfer mode.

Miscellaneous Application is, accordingly, disposed of.

.....J.
[UDAY UMESH LALIT]

.....J.
[INDU MALHOTRA]

.....J.
[HMEANT GUPTA]

NEW DELHI;
NOVEMBER 03, 2020.

ITEM NO.301

COURT NO.2 SECTION XIV-A
(HEARING THROUGH VIDEO CONFERENCING)S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SMiscellaneous Application No.2066 of 2020 in Civil Appeal
No.3559/2020

SMRITI MADAN KANSAGRA

Petitioner(s)

VERSUS

PERRY KANSAGRA

Respondent(s)

(I.A. NO.110413/2020 - FOR MODIFICATION OF DIRECTION)

Date : 03-11-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MR. JUSTICE HEMANT GUPTAFor Petitioner(s) Mr. Prosenjeet Banerjee, Adv.
Ms. Kaveeta Wadia, Adv.
Ms. Nidhi Mohan Parashar, AOR
Ms. Mansi Sharma, Adv.
Ms. Shreya Singhal, Adv.
Mr. Vikrant Kumar, Adv.
Mr. Rohit Prasad, Adv.For Respondent(s) Mr. Anunaya Mehta, Adv.
Ms. Inderjeet Saroop, Adv.
Mr. Raghav Saroop, Adv.
Mr. P. K. Manohar, AORUPON hearing the counsel the Court made the following
O R D E RMiscellaneous Application is disposed of, in terms of the
Signed Order.

Pending applications, if any, also stand disposed of.

(MUKESH NASA)
COURT MASTER(PRADEEP KUMAR)
BRANCH OFFICER

(Signed Order is placed on the File)