

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-4376 of 2015

Date of decision: 15.12.2015

Francisca Kaur

..Petitioner

Vs.

**Regional Passport Officer,
Jalandhar & Anr.**

..Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Ms. Sushma Chopra, Advocate for the petitioner.

Mr. Indresh Goel, Advocate for respondent No. 2.

RAKESH KUMAR JAIN, J.(ORAL)

The petitioner has prayed for a direction to respondent No. 1 to renew her passport. Francisca Kaur is the daughter of Paramjit Sodhi. Earlier she was holding passport No. E5158419 dated 03/07/2003 which was reissued on 14/11/2008 vide passport No. H1601403 valid upto 13/11/2013. After the expiry of the said period, the petitioner filed an application, for renewal of passport, to the Regional Passport Officer, Jalandhar. The said office did not renew her passport on the ground that her father Paramjit Sodhi has not furnished her custody certificate as Paramjit Sodhi was earlier married to one Jasbir Kaur and has now got divorced w.e.f. 2/3/2013.

Counsel for the petitioner has submitted that the custody has to be either with the mother or father whereas her mother Jasbir Kaur filed a petition under Section 7 and 25 of The

Guardians and Wards Act 1890 against Kanso (Massi) aunt of Paramjit Sodhi for custody of her two daughters Francisca Kaur and Angelina Kaur. Both the children are now with the father. The said petition was dismissed in default under Order 9 Rule 8 CPC on 11.9.2014 and said order has not been recalled so far. Today Paramjit Sodhi has appeared in Court along with his two daughters namely Francisca Kaur and Angelina Kaur. It is submitted that both his daughters are living with him and also his aunt(massi) Kanso wife of Harbhajan Lal.

In view of aforesaid circumstances, it can be easily presumed by this Court that the custody of Francisca Kaur at present (minor petitioner) is with her father Paramjit Sodhi and, therefore, respondent No. 1 Regional Passport Officer, Jalandhar would renew the passport which she has been holding right from 2003.

In view of the above, this petition is allowed and a direction is issued to respondent No. 1 to renew the passport of Francisca Kaur within 15 days and same be despatched to her by registered post.

December 15, 2015

Poonam (II)

**(RAKESH KUMAR JAIN)
JUDGE**