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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6555/2016**

TARU DAHIYA

..... Petitioner

Through : Mr I.S.Alag, Mr J.S.Lamba,
Mr Rajesh Kumar, Mr Ahmad
Shahrooj and Mr Dashrath Raghav,
Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through : Mr A.K.Gautam and Mr Vinod
Tiwari, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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18.10.2016

The petitioner seeks a mandamus directing the respondents to issue an exit visa to the surrogate child to be born to the petitioner. The intended parents of the surrogate child are Mr Chirag Dahiya and Ms Rachael L.Dahiya.

Learned counsel appearing for the respondent submits that in the special facts and circumstances of the case, the respondent has consented to grant the exit visa to the surrogate child, subject to compliance of conditions mentioned in paragraph 7 of the affidavit. It is submitted that in the conditions mentioned in paragraph 7(v), (xi) and (xii) of the affidavit dated 09.09.2016, the words "*biological parents*" be read as "*intended parents*", i.e. Mr Chirag Dahiya and

Ms Rachael L.Dahiya.

It is contended by counsel for the respondent that the said concession is being given in the very peculiar facts and circumstances of the case.

Learned counsel for the petitioner submits that the conditions mentioned in paragraph 7 of the affidavit of the respondent dated 09.09.2016 with the modification in paragraph 7(v), (xi) and (xii), as noticed above, shall be duly complied with.

On compliance of the said conditions by the petitioner, the respondents shall consider grant of exit visa to the surrogate child.

The writ petition is disposed of in the above terms.

It is clarified that since the respondents have stated that an exception has been made in view of the peculiar facts and circumstances, the legal questions raised have not been considered and this order shall not be treated as a precedent.

Dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

OCTOBER 18, 2016

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