

CWP-21814-2016

Date of Decision : 25.05.2017

Mohan Singh Pannu

.....Petitioner

versus

Union of India and another

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. I.P.S. Kohli, Advocate
for the petitioner.Mr. Udit Garg, Advocate
for the respondents.**M.M.S. BEDI, JUDGE (ORAL)**

Through instant petition, petitioner Mohan Singh Pannu father of minor Supreet Kaur, has sought a writ for quashing of order dated 29.09.2016 passed by respondent No. 2 whereby the application of Supreet Kaur for issuance of passport with the name of her adopted father Mohan Singh Pannu has been declined.

The admitted facts of the present case are that Supreet Kaur was born to Rajwinder Kaur and Kulwant Singh, her natural parents, on 09.01.2003. The parents got divorced under Section 13 B of the Hindu Marriage Act, 1955 by mutual consent as is apparent from the order dated 02.02.2013. An arrangement was arrived at between the parties that the daughter would remain in the custody of the mother. The petitioner claims that Supreet Kaur was given in adoption by her mother as a single parent vide adoption deed dated 29.11.2013 to petitioner Mohan Singh Pannu. The passport was applied by the minor but objection was raised by the Passport Authorities that she should obtain

certified copy of the adoption deed from the Court of Sub Registrar or the Court. The copy of the adoption deed has been placed on record as Annexure P-3. The same was produced before the Passport Authorities.

Learned counsel for the petitioner relied upon the judgment of Madras High Court in the case of ***B.S. Deepa versus Regional Passport Officer, Chennai-600006 and another*** 2015 (2) MLJ 314, in support of his contention that when the biological father of an applicant renounces his right *qua* an applicant, the mother is competent to give the child in adoption.

After hearing counsel for the parties, this Court had required the counsel for the parties to produce on record the affidavit of the natural father regarding his no objection and knowledge about the alleged adoption of his natural daughter to petitioner Mohan Singh Pannu vide registered adoption deed dated 29.11.2013.

Mr. Abhinandan Pandhi, Advocate has filed his power of attorney on behalf of the natural father and submitted an affidavit of the natural father to the effect that he has relinquished all rights regarding the custody of the minor daughter Supreet Kaur and that he has got knowledge about the adoption deed dated 29.11.2013.

It is mentioned in the affidavit that he has got no objection in case, the name of adoptive father is replaced with the name of natural father.

Taking into consideration the above said circumstances, I deem it appropriate in the interest of justice to issue directions to

respondent No. 2 the Regional Passport Officer, Chandigarh to issue passport to Supreet Kaur minor by incorporating her fathers' name as Mohan Singh Pannu, he being adoptive father, in above said circumstances, however, subject to production of necessary documents before respondent No. 2 for the objective satisfaction of the said authority.

Disposed of with the aforesaid directions.

(M.M.S. BEDI)
JUDGE

25.05.2017
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No