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

CWP-25993-2016

Date of Decision : March 09, 2017

DIVYA AHLAWAT

....Petitioner

VERSUS

UNION OF INDIA AND OTHERS

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Ms. Shivangi, Advocate for the petitioner.
Mr. Varun Issar, Advocate for the respondents.

M.M.S. BEDI, JUDGE (ORAL)

The petitioner has approached this Court for issuance of a writ in the nature of mandamus to the respondents for issuance of passport with the name of her step father in the column of father's name, only because the name of biological father is mentioned in her birth certificate claiming that the name of the step father of the petitioner is mentioned in all other documents i.e. all the certificates issued by different educational institutions, PAN card, Voter card, Aadhaar card etc.

It is claimed by the petitioner that her biological father and the biological mother had got married on 05.12.1993 at Delhi but later on the marriage was dissolved. The petitioner born out of the wedlock of the first marriage of the mother of the petitioner on 08.01.1995. As such, her biological father's name exists in the birth certificate issued by Chandigarh Administration dated 08.01.1995. As the biological father of the petitioner deserted the biological mother of the petitioner, while the

petitioner was seven years old, a divorce petition filed by biological mother of the petitioner on 27.08.2003 was allowed vide decree of divorce dated 02.11.2004. The biological mother of the petitioner thereafter married Mr.Sanjay Ahlawat on 17.02.2006. As such, the biological mother of the petitioner and the petitioner are staying together with the step father of the petitioner as a family.

In the above said circumstances, the petitioner had submitted an application to the Regional Passport Officer to issue passport with her step father's name, which has not been accepted.

I have heard learned counsel for the parties.

Learned counsel for the respondents has contended that the status of the biological father will not cease to exist with the divorce of the biological mother of the petitioner with him and her marrying subsequently with Mr. Sanjay Ahlawat.

I have considered the said contention and I am of the opinion that the stand of respondents is not in consonance with the settled principles of law. On an earlier occasions, similar controversy had arisen in different cases, in which the applicant had been permitted to get the name of the step mother or step father incorporated in the column of parents in the passport. In this context, reference can be made to judgment of Delhi High Court in Writ Petition (C) No.543 of 2016 titled 'Vibhu Kalra versus Regional Passport Office, Delhi', decided on 15.04.2015, in which the petitioner had been permitted to get the name of her step mother included in the column pertained to mother's name in

the passport. The circumstances of this case are quite akin to the facts of present case.

In another case, in Civil Writ Petition No.5862 of 2016 titled 'Mohit versus Union of India', after the decree of divorce, amongst the natural parents and on the basis of the government record showing the name of the petitioner as son of his step father, a direction was given to issue passport mentioning the name of step father in the passport.

In peculiar circumstances of this case, this Court is of the considered opinion that no prejudice will be caused to any third party including the respondents in case, on the basis of the documents placed on record, indicating that the name of step father Mr. Sanjay Ahlawat has been mentioned in the column of father's name in all the above said documents, similar relief is allowed to the petitioners.

This petition is disposed of, with a direction to the respondents to process the application of the petitioner for issuance of passport with the request that the name of her step father Mr. Sanjay Ahlawat be included in the column pertaining to father's name, subject to petitioner producing all the documents including the matriculation certificate and other documents before the passport authority.

It will be appreciated, in case, the application is processed expeditiously as per the rules, subject to deposit of the requisite fee.

(M.M.S. BEDI)
JUDGE

March 09, 2017

Rajneesh

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No