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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment delivered on: 30.05.2017

+ W.P.(C) 6413/2016

TRIPTI GOSWAMI@TRIPTI GOSWAMI GROVER AND
ANR Petitioners

versus

CONSULATE GENERAL OF INDIA & ORS Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Bankey Bihari, Advocate

For the Respondents : Mr. Neeraj Jain with Mr. Sarfaraz Ahmad, Advocates for respondent
Nos.1 and 2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT
30.05.2017

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner, by the present petition, seeks a direction to the respondent Nos.1 and 2 not to insist upon for adoption deed for entering the name of Mr. Aseem Grover (petitioner No.2) in the

column of father's name in the passport of Ms. Yukti Grover, the daughter of petitioner No.1 and the respondent No.3.

2. Learned counsel for the petitioners submits that the respondent No.3 has been arrayed with several aliases as there are several cases pending against him and he had been giving different names at different places.

3. The marriage between the petitioner No.1 and the respondent No.3 was declared a nullity by a decree dated 26.03.2010 on the ground that the consent of the petitioner no. 1 was obtained by fraud.

4. Petitioner No.1 thereafter married petitioner No.2 on 19.04.2013. It is contended that the petitioner No.1 and the petitioner No.2 have been living with Ms. Yukti Grover and, the petitioner No.2, for all practical purposes, treats her as his own daughter and showers all his fatherly love and affection on her and all needs of the minor Ms. Yukti Grover are taken care of by the petitioners as her parents. The minor Ms. Yukti Grover has only known the petitioner No.2 as her own father and treats him as the same.

5. When the petitioner approached the respondent Nos.1 and 2 for renewal of the passport in the name of Ms. Yukti Grover, the respondent Nos.1 and 2 declined to do so. It is contended that the name of the biological father would also be required to be shown in

the passport or, in the alternative, the petitioner No.2 would have to acquire legal guardianship of the minor Ms. Yukti Grover for his name to be entered in the column of father in the passport of Ms. Yukti Grover.

6. Learned counsel for the respondents submits that alternatively, the application for renewal of passport can be considered as an application for a "Child Having Single Parent", in case, the petitioners so desire.

7. Learned counsel for the respondents refers to the Passport Manual, 2010 and contends that, in case, the petitioners do not desire that the name of the respondent No.3 be shown in the column of the father, the petitioner no. 1 request for the renewal of the passport as a Child Having Single Parent, in which case, the column for the name of the father would be left blank.

8. Learned counsel for the petitioners submits that the petitioners want that the application be considered as an application for issuance of a passport of a Child Having Single Parent. He further submits that the petitioners reserve their right to apply to the respondent No.1 to enter the name of the petitioner No.2, in the column of father, after petitioner No.2 obtains an order, appointing the petitioner No.2, also, as a legal guardian.

9. In view of the above, the writ petition is allowed directing the respondents to consider the application, submitted by the petitioner No.1, for renewal of the passport in the name of Ms. Yukti Grover as a passport for a Child Having Single Parent. The respondents shall leave the column of the name of the father blank.

10. The respondents are directed to issue the passport, preferably, within a period of two weeks, subject to the petitioner satisfying the other requirements of the Passport Act, 1967, Passport Manual, 2010 and the Rules framed there under. This would be without prejudice to the right of the petitioners to approach the respondent 1 and 2 for inclusion of the name of petitioner no. 2 in the column of father after an appropriate order of the competent court appointing petitioner no. 2 also as a legal guardian.

11. *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

MAY 30, 2017
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