

\$~2

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

+ W.P.(C) 5874/2018

FAISAL KHAN

..... Petitioner

Through: Petitioner in person with Mr Nazim
Uddin, Advocate.

versus

REGIONAL PASSPORT OFFICES & ORS Respondents

Through: Mr Satyendra Kumar, Advocate for
R-1.

Mr Sumit Aggarwal and Mr Mukesh
Sachdeva, Advocates for R-2 with SI
Dinesh, PS Darya Ganj.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **30.11.2018**

1. The petitioner has filed the present petition, *inter alia*, praying that direction be issued to cancel the passport bearing no.P7279666/2016, which was issued to the petitioner's minor son. It appears from the averments made in the present petition that the said passport was obtained by respondent no. 3 (the divorced wife of the petitioner and the mother of the petitioner's minor son) by making certain incorrect statements.
2. The petitioner and respondent no.3 have divorced and the petitioner has instituted proceedings for seeking custody of his minor son, Mohd. Azhaan Khan. The said proceedings (GP No.24/13 captioned 'Faisal Khan v. Humera') are currently pending before the Family Court, Saket. The

petitioner has also referred to an order dated 11.03.2016, wherein respondent no.3's undertaking not to take the child out of India without prior permission from the Court, was recorded.

3. The learned counsel appearing for respondent no.2 has also submitted a report, which indicates that respondent no.3 is presently staying in Dubai along with her son. The report submitted by respondent no.2 indicates that enquiries were made from the father of respondent nos. 3 regarding her current address in Dubai but he had disclaimed any knowledge of the same. In the circumstances, the petitioner is also unable to serve the notice of this petition to her.

4. It is apparent from the record submitted by respondent no.1 that the said undertaking given by respondent no.3 to the Family Court has been violated.

5. The petitioner has also referred to an affidavit dated 02.11.2016, filed by respondent no.3 for obtaining the passport for her son, wherein respondent no.3 has confirmed that no Court case is pending regarding divorce and custody of the child.

6. In view of the above, it is apparent that certain incorrect statements have been made by respondent no.3 in obtaining the said passport.

7. In the given circumstances, respondent no.1 is directed to examine the averments made in the present petition and take appropriate steps in accordance with the Passport Act, 1967 as expeditiously as possible and preferably within a period of eight weeks from today.

8. No further orders are required to be passed in this petition. The same

is disposed of.

NOVEMBER 30, 2018
MK

VIBHU BAKHRU, J