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

+ W.P.(C) 11685/2017

MASTER NACITTO VAZ & ORS. Petitioners

Through: Mr Akash Nagar, Advocate.

versus

UNION OF INDIA & ORS Respondents

Through: Mr Rakesh Kumar, CGSC for R-1 &
2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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02.01.2018

CM No. 47439/2017

1. Exemption is allowed, subject to all just exceptions
2. The application stands disposed of.

W.P.(C) 11685/2017 and CM No. 47438/2017

3. The petitioners have filed the present petition, *inter alia*, impugning Clause II in Annexure 'C' of Instructions for Filling of Passport Application Form. According to the petitioners, the application should also cater to one of the parents desirous of applying a passport for his/her minor child.
4. The petitioners' grievance stems from the fact that respondent no.5 (who is the husband of petitioner no.2) had refused to sign the form for obtaining a passport for petitioner no.1 (who is a infant aged two months). The learned counsel for the petitioners now states that respondent no.5 has agreed to sign the requisite application form for obtaining the

passport/emergency travel documents for petitioner no.1 to travel to United Kingdom. He also states that petitioner no.2 (who is a British citizen) would be applying to the British High Commission for obtaining of British Passport for petitioner no.1.

5. The immediate predicament of petitioner no.2 is that petitioner no.2 and petitioner no.3 (who is also a minor) permission to stay in India in terms of Visas granted to them expires tomorrow as they would have completed a period of 180 days in this country since their arrival.

6. Petitioner no.1 was born in Goa two months ago and petitioner no.2 has been making sincere efforts for leaving this country along with her two children (petitioner no.1 and petitioner no.3).

7. In view of the same, this Court sees no impediment for the Foreigners Regional Registration Office (Ministry of Home Affairs) extending the permission to the petitioners to stay in India for a further period of 60 days. This is in the peculiar facts and circumstances of the present case as petitioner no.1 and 2 cannot be separated and despite efforts petitioner no.2 has been unable to obtain travel documents for petitioner no.1

8. Since petitioner no.2 now intends to apply for a British Passport for petitioner no.1, the petitioners does not wish to press for the relief as prayed for in this petition at this stage.

9. In view of the above, the petition alongwith the application is disposed of by directing FRRO/Ministry of External Affairs/Ministry of Home Affairs to grant the necessary permission to the petitioners to stay in

India for a further period of 60 days. Needless to mention that petitioner no.2 shall file the necessary forms/applications required for the said purpose.

10. Order *dasti* under signature of Court Master.

JANUARY 02, 2018
RK

VIBHU BAKHRU, J