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

+ W.P.(C) 1278/2019

GULASAL SHARMA AND ANR.

..... Petitioners

Through: Mr Manish Sharma and Mr Ankur
Garg, Ms Shruti Arora and Mr
Siddharth Sharma, Advocates.

versus

FOREIGNERS REGIONAL REGISTRATION OFFICE
AND ANR.

..... Respondents

Through: Mr Gaurav Rohilla, Sr. Govt. Counsel
for R-1 and R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **28.02.2019**

CM No.9734/2019

1. This is an application filed by the petitioners seeking modification of the order dated 21.02.2019 for seeking further relief to the extent that respondents be directed not to take any coercive steps against petitioner no.1. The learned counsel appearing for the respondents seeks time to take instructions.
2. As noted in the order dated 21.02.2019, the controversy in the present petition is whether petitioner no.1 is an Indian citizen. Admittedly, she was issued an Indian Passport. She further claims that she was born in India and would be an Indian citizen by birth. In any view, there is no dispute that she is married to petitioner no.2 who is, admittedly, an Indian citizen. The

marriage of the petitioners was solemnised on 23.09.2017 and was also registered with the Registrar of Marriages on 13.10.2017. Even if it is established that the petitioner is not an Indian citizen by birth as claimed by her she would, *prima facie*, be entitled to visit India being a spouse of an Indian citizen. She may also be entitled to an OCI Card. There is clearly no reason why any coercive steps should be taken against her. In this view, the application is allowed and it is directed that no coercive steps be taken against the petitioners. She would also not be impeded in any manner in coming to India.

3. In compliance with the order dated 21.02.2019, the respondents shall pass a speaking order after affording petitioner no.1/her representative a full opportunity to be heard. Further, as observed in the said order, if aggrieved, the petitioner is also at liberty to avail of remedies as available in law.

4. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

FEBRUARY 28, 2019
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