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

+ **W.P.(C) 8646/2019**

ARCHANA NARANG

..... Petitioner

Through: Petitioner in person.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Rakesh Kumar, CGSC with Mr
Amit Dogra, Advocates for R-1 and
R-2.

Mr Prince Raushan, Jr. Passport
Assistant, RPO, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **09.08.2019**

CM No. 35730/2019

1. Allowed, subject to all just exceptions.

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2. The petitioner has filed the present petition, *inter alia*, praying that the passport issued to respondent no.4 (the petitioner's minor son) be revoked. It is the petitioner's case that the said passport has been renewed on the basis of false information submitted by respondent no.3 (her husband).

3. It is apparent from the averments made in the petition that there are matrimonial disputes between the petitioner and her husband (respondent no.3). It is also stated that respondent no.4 – who is the minor son of the petitioner and respondent no. 3 – is currently residing in Dubai and is

studying there. The petitioner claims that respondent no.3 has falsely asserted himself to be the guardian of respondent no.4 and has obtained the passport for respondent no.4 on the basis of this assertion.

4. The learned counsel appearing for the respondents submits that the passport was not granted to respondent no.4 on the basis of any assertion regarding guardianship. The same was granted on the basis of a statement made by respondent no.3 that he and his wife are separated and there is no court case pending between them.

5. The petitioner claims that the said assertion is false as there is a court case pending between the petitioner and respondent no.3 and therefore, a passport could not be issued to respondent no.4.

6. This Court does not consider it apposite to grant the relief as sought, essentially, for the reason that rejection of the passport of respondent no.4 would result in the disruption of his studies in Dubai. However, it is directed that if any court directs that respondent no.4 be produced in India, the concerned authorities shall ensure that all steps are taken for enforcing the said order.

7. Insofar as the allegation of making a false statement is concerned, the passport authorities shall enquire into the said allegation. It is further directed that if, after inquiry, the said allegation is found to be correct, the concerned authorities shall take appropriate action as warranted in law. However, the passport issued to the minor child need not be revoked as no such disruption in his life is warranted, unless the court considering the matrimonial disputes, including issues as to the custody of respondent no 4,

directs the production of respondent no.4 in this country.

8. In view of the above, the petition is dismissed.

AUGUST 09, 2019
MK

VIBHU BAKHRU, J