

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

104

CWP-24329-2023

Date of Decision : 04.12.2023

SHIVALI CHATLEY

..... PETITIONER

V/S

UNION OF INDIA AND ORS

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Anil Mehta, Advocate
for the petitioner.

Mr. Amit Sharma, Sr.Panel Counsel
for respondents No.1 and 2.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of order dated 10.03.2023 (Annexure P-12) whereby Chief Passport Authority, New Delhi, acting as an Appellate Authority has allowed the appeal of respondent No.3 against order dated 28.04.2022 (Annexure P-10) passed by passport authority whereby passport of respondent No.3 was impounded.

2. An order dated 28.04.2022 (Annexure P-10) impounding passport came to be passed by passport authority acting as an adjudicating authority under Passport Act. The respondent No.3 being aggrieved person preferred an appeal before Appellate Authority which came to be allowed. The petitioner is assailing aforesaid order on the ground that respondent No.3 had concealed his marital status at the time of re-issuance of passport, thus, the passport needs to be impounded.

3. Learned counsel for the petitioner submits that the petitioner was legally wedded wife of respondent No.3 in 2016 and divorce between

the parties took place in 2021, thus, respondent No.3 in his application dated 04.11.2016 concealed factum of his marriage. The respondent No.3 in his application wrongly stated that he is 'single' whereas at that point of time he was married.

4. Learned counsel for respondents No.1 and 2 submits that the petitioner has no locus-standi to challenge impugned order because passport is a subject matter between passport holder and authorities. The competent authority after examining record has passed impugned order. The petitioner and respondent No.3 are residing in Australia and she is having personal grudge against respondent No.3. She wants impounding of passport of respondent No.3 so that respondent No.3 may not stay in Australia.

5. I have heard the arguments of learned counsel for the parties and perused the record.

6. The conceded position emerging from the record is that the petitioner and respondent No.3 the resident of Australia. The respondent No.3 is residing in Australia since 2005 and the petitioner is residing in Australia since 2008. They are not resident of India. The petitioner filed an affidavit dated 11.10.2021 wherein she categorically admitted that her marriage with respondent No.3 was solemnised in India on 20.04.2008 and at that point of time, they were not having domicile of India, thus, Hindu Marriage Act, 1955 was not applicable to them. In the wake of said affidavit filed before the Courts at Australia, decree of divorce came to be passed. The Appellate Authority has passed impugned order considering aforesaid affidavit.

7. The petitioner has already got divorce from respondent No.3

and she is still having grudge against him. Both the parties are staying out of country and this Court has noticed that people working and residing out of country, to resolve their disputes having no connection with India, are mis-using judicial time of Courts at India. They are filing multiple cases in India which results in wastage of valuable time of Government agencies as well as Courts. In India, there is no cost of litigation except fee of lawyers, thus, they are filing multiple cases which are civil as well as criminal in nature.

8. In the case in hand, the petitioner as well as respondent No.3 are resident of Australia for more than a decade. The petitioner has embroiled respondent No.3 in the multiple litigations and now she wants that respondent No.3 be thrown out of country. The Appellate Authority has passed impugned order after considering facts and circumstances of the case.

9. In the wake of facts and circumstances, this Court is of the considered opinion that the petitioner is trying to settle her score with the aid of judicial process available in India. This Court is of the prima facie opinion that the petitioner has no locus-standi. The question of passport, in accordance with law, has to be decided by authorities. There is no illegality in the order warranting interference of this Court.

8. In view of facts and findings, the petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

04.12.2023
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No