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

+ **W.P.(C) 9936/2020 & CM APPL. 31267/2020**

PRECIOUS OLUCHI AGHOLOR AND OTHERS Petitioners

Through: **Mr. R.A. Worso Zimik and
Mr. Augustine Ravi Tirkey,
Advocates.**

versus

UNION OF INDIA AND ANOTHER Respondents

Through: **Ms. Vidhi Jain, Advocate on behalf of
Mr. Kirtiman Singh, CGSC for UOI.
Mr. Padma Kumar, ASI from FRRO.**

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

% 05.02.2024

1. The petitioners filed the present petition under Article 226 of the Constitution for the directions to be issued to the respondents for extension of Visa under entry 'X'-2 to the petitioner no. 1 for residential permit as the petitioner no. 1 being a foreign national has married with the petitioner no. 2 who is an Indian National and out of their marriage, petitioner no. 3 was born. The petitioner has made the following prayer:-

- a) **Direct the Respondents to stop enforcing of the execution of Exit visa dated 01-09-2020 issued to the petitioner No.1 with a direction to leave the country on or before 05-10-2020 until the writ petition is dispose of;**
- b) **Direct the respondent to comply entry 'X'-2 visa and grant further extension of visa in a form of residential permit to the petitioner No.1 on grounds of parity;**
- c) **Pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.**



2. Ms. Vidhi Jain, Advocate appearing for UOI on behalf of Mr. Kirtiman Singh, CGSC assisted and informed by Mr. Padma Kumar, ASI for FRRO stated that the petitioner no. 1 had applied for extension of Visa under entry 'X'-2 on 12.01.2022 and the said application has already been closed on 16.02.2022 for want of submission of requisite documents. It is further stated that at present and as on today, no application is pending on behalf of the petitioner no. 1 for extension of Visa under entry 'X'-2 to the petitioner no. 1. It is further stated on behalf of the respondents that if the petitioner no. 1 applies afresh for grant/extension of Visa under entry 'X'-2 along with necessary and requisite documents, then that application shall be processed particularly by the respondent no. 2 within a time bound manner with intimation to the petitioner no. 1.

3. The counsel for the petitioners stated that although the petitioner no. 1 had applied many times on earlier occasions for Visa under entry 'X'-2 which was not processed by the respondent no. 2 on one pretext or the other but the petitioner no. 1 shall apply afresh for grant/extension of Visa under entry 'X'-2 along with necessary documents in accordance with the rules and regulations but the respondent no. 2 be directed to process the application within a time bound manner. It is further submitted that in the present petition, an interim order has already been granted in favour of the petitioner no. 1 vide order dated 07.12.2020 and that interim order shall be continued till the disposal of the fresh application to be submitted by the petitioner no. 1 to the respondent no. 2.

4. Accordingly, the petitioner no. 1 is directed to file a fresh application, for grant of Visa under entry 'X'-2 with the respondent no. 2 within 04 weeks and thereafter, if the said application is submitted along with



necessary documents as per the existing rules and regulations, then the respondent no. 2 is directed to take a decision on the application so filed by the petitioner no. 1 within 04 weeks thereafter with intimation to the petitioner no. 1.

5. The present petition along with pending application, stands disposed of.

6. The interim order which was granted to the petitioner no. 1 in pursuance of order dated 07.12.2020 shall continue till the disposal of the application so preferred by the petitioner no. 1 and subsequent communication to the petitioner no. 1. However, it is made clear that if the petitioner no. 1 fails to apply afresh for grant of Visa under entry 'X'-2 within 04 weeks, in that eventuality, the interim order granted vide order dated 07.12.2020 shall stand vacated. However, the petitioner shall also be at liberty to file fresh petition in case of altered circumstances.

7. Copy of this order be given *Dasti* to the counsel for the petitioners as well as the counsel for the respondents for necessary directions and for further action.

DR. SUDHIR KUMAR JAIN, J

FEBRUARY 5, 2024

Sk/am