



\$~64

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

+ W.P.(C) 3216/2025 and CM APPL.15008/2025 (Stay)

OSCAR LEWIS DOWNING & ANR.Petitioners

Through: Mr. Nitesh Kumar Singh and Mr.
Devender Singh, Advs.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Sandeep Mahapatra, CGSC and Mr.
Rajat Rajoria Singh, Adv., UOI.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **12.03.2025**

1. The present petition has been filed by the petitioner raising a two-fold grievance.
2. Firstly, it is contended that the petitioner's request seeking an X-1 Visa has been arbitrarily rejected on account of the fact that the petitioner's marriage certificate was apostilled by the Australian High Commission, New Delhi, India instead of by the Indian High Commission Canberra, Australia.
3. Secondly, the petitioner is aggrieved by non consideration of the application of the petitioner for grant of an OCI Card.
4. Learned Standing Counsel for the respondent, who appears on advance notice submits, on instructions, that contrary to what has been sought by the respondents vide e-mail dated 10.02.2025, viz. an "MEA apostilled marriage certificate", the visa application of the petitioner shall be considered on the basis of the marriage certificate, duly apostilled by the Australian High Commission in Delhi, in view of the OM dated 27.02.2025, issued by Ministry of Home Affairs, Foreigners Division – OCI Section.
5. He further submits that if the petitioner files a fresh application for grant



of visa, the same shall be considered and processed expeditiously. He also submits that any application that may be filed by the petitioner no.2, seeking an OCI Card shall also be considered and processed expeditiously.

6. In view of the aforesaid, the present petition is disposed of with liberty to the petitioner no.1 to submit a fresh application for grant of an X-1 Visa. Let such an application be made within a period of one week from today, whereupon the respondent shall consider and process the same expeditiously and preferably within a period of three weeks from today, under intimation to the petitioner no.1.

7. Further, any application/s for issuance of an OCI Card in favour of the petitioner/s shall also be considered and processed expeditiously.

8. During the course of proceedings, it has also been pointed out that the petitioner no.1 has been in India for more than 180 days and is in receipt of a communication dated 07.03.2025 from the Foreigners Regional Registration Office (FRRO) stating that the petitioner should apply for an exit visa/exit permit to depart from India and return to India after obtaining a fresh visa.

9. In view of the facts and circumstances narrated in the present petition, and in view of the aforesaid statement of learned Standing Counsel, the petitioners shall be obviated from the requirement of applying for an exit visa / exit permit for leaving the country till the request for grant of an X-1 visa and for issuance of an OCI card is processed and decided by the concerned department.

10. The present petition is disposed of in the above terms.

SACHIN DATTA, J

MARCH 12, 2025/cl