Serial No. 99
Suppl. Cause List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

WP(C) 2360/2026 CM (6419/2026)

Shabir Ahmad Parry …Petitioner(s)/Appellant(s).

Through: Ms. Asma Rashid, Advocate

Vs.

Union of India and Others ...Respondent(s).

Through: Mr. Faizan Ahmad Ganai, CGC with
Ms. Shagufta Maqbool, Advocate for R1-4.

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

31.10.20260

1. There is no representation on the part of the newly impleaded private respondent No. 5-Mst. Fatima Akbar D/o. Mohammad Akbar Rather R/o. Safapora Ganderbal.
2. As per the Registry's note dated 06.10.2026, the registered notice issued to the said respondent No. 5 stands delivered to her as confirmed upon tracking of the said notice.
3. Dasti notice in terms of the order of this Court is also reported to have been issued to the said respondent executable by the Office of the District Judge, Ganderbal, however, the report on the dasti notice has not been submitted.
4. The registered and dasti notices are reported to have been issued to the respondent No. 5 under Dispatch Nos 21700 and 21701 dated: 28.09.2026 respectively.

5. The case of the petitioner in nutshell is that he is the citizen of India and holds a valid passport bearing No. N8429967 issued by the respondent No. 4-Regional Passport Officer, Srinagar on 25.11.2016 with validity period upto 24.11.2026. That his passport records Mst. Fatima Akbar-her Ex-Wife as his spouse. That the matrimonial relationship between him and the said Mst. Fatima Akbar came to be dissolved by mutual consent through a divorce deed dated 7th January, 2024. That the said divorce deed dated 7th January, 2024, records the parties' decision regarding termination of their matrimonial relationship by way of pronouncement of Talaq by him and the acceptance thereof by the respondent No. 5. That he and the respondent No. 5 also executed a written compromise regarding the dissolution of their marriage before the Court of Chief Judicial Magistrate, Ganderbal.

That subsequently he married one-Mst. Tabasum Kouser, who has also got recorded his name as her husband in her passport. That he is presently residing in Saudi Arabia and has accordingly approached the Embassy of India, Riyadh for reissuance of his passport with the change of existing personal particulars especially as regards his spouse. That his application was assigned ARN No. 26-2004252759. That in his fresh application for reissuance of passport, he also sought the deletion of the name of his Ex-Wife Mst. Fatima Akbar and the incorporation of the name of his present wife Mst. Tabasum Kousar. That despite production of the Divorce Deed and the supporting matrimonial documents including the

marriage registration certificate, the Embassy of India, Riyadh vide impugned communication dated 06.09.2026 sent back/returned the application to him on the main ground that the documents were not sufficient for changing the name of his spouse and accordingly requisitioned a court order/decree for effecting the aforesaid change in the name of his spouse.

That his grievance is not against the verification of the genuineness of the Divorce Deed or other documents but against the requirement for a separate judicial decree/order regarding dissolution of his marriage as regards his Ex-Wife-Fatima Akbar. That the issue assumes significance in view of the judgment dated 29.05.2026 passed by the Hon'ble High Court of Kerala in *"Ayshath Bunayath v. Union of India, WP(C) No. 7780/2026 decided on 29.05.2026, 2026: KER:37144",* wherein the Hon'ble Court considered the passport requirements concerning deletion of the name of spouse as per the recognized modes of dissolution of the Muslim Marriage .

That he without prejudice to his rights, already invoked the statutory remedy by filing an appeal under Section 11 of the Passports Act, 1967 on 15.09.2026 before the Chief Passport Officer, Ministry of External Affairs, New Delhi, through Embassy of India, Riyadh.

6. The petitioner has, accordingly, prayed for the following writs/directions in the matter:

   a. Issuance of a writ of Certiorari for quashing the communication/objection dated 06.09.2026 issued by the Embassy of India, Riyadh, whereby his

application for re-issue/change of passport particulars has been returned on the ground that a court order is required;

b. Issuance of a writ of Mandamus for directing the respondents to process his application bearing ARN No. 26-2004252759 for re-issue of passport by considering the Divorce Deed dated 07.01.2024 and the other documents submitted by him, without insisting, as an absolute condition, upon production of a separate judicial decree of divorce, subject to verification of the genuineness and legal effect of the documents;

c. Direction upon the respondents to delete the name of Mst. Fatima Akbar from his passport with the incorporation of the name of Mst. Tabassum Kausar as his present spouse, upon completion of the requisite verification and other formalities;

d. In the alternative, for direction upon the Respondent No. 2, the Chief Passport Officer, to consider and decide his statutory appeal dated 15.09.2026 expeditiously and in accordance with law, keeping his passport application alive, without requiring him to file a fresh application.

7. In the facts and circumstances of the case, the Court is of the opinion that matter can be disposed of at this threshold stage by passing of such appropriate orders which are not likely to prejudice the interests of any of the parties.

8. The learned appearing counsel for the official respondents 1 to 4 have got no objection in passing of appropriate directions in accordance with the law and the communication dated 06.09.2026 of the Govt of India, Ministry of External Affairs, Embassy of India, Saudi Arabia Riyad.

9. Perused the memo of the petition and the copies of documents enclosed with the same.

10. The petition is supported with a duly attested affidavit of the petitioner.

11. The contention of the petitioner as pleaded in the petition to the effect that his marriage with his Ex-Wife-Mst. Fatima Akbar stands

dissolved through the medium of divorce by mutual consent dated 7th January, 2024, is backed by the deed of divorce, copy whereof is enclosed on the file as Annexure-IV thereto.

12. A copy of the compromise alleged to have been filed by the petitioner and his ex-wife before the Court of Chief Judicial Magistrate, Ganderbal has also been placed on the file as Annexure-IV.

13. A copy of the marriage certificate issued by the Marriage Officer, Kashmir evidencing the marriage between the petitioner and one-Tabasum Kousar (Who is claimed to be the present wife of the petitioner) dated 03.02.2025 has also been placed on the file as Annexure-V.

14. The ex-wife of the petitioner-Mst. Fatima Akbar had not been arrayed by the petitioner as respondent in this petition, but this Court vide its order dated 19.09.2026 impleaded her as party respondent No. 5 whereupon notices, dasti as well as registered, were directed to be issued upon her.

15. The registered notice is reported to have been delivered upon her but the report on the dasti notice has not been received. It is submitted by the learned counsel for the petitioner that the petitioner, who is a doctor by profession, and doing his job in Saudi Arabia, Riyadh, has been facing great difficulties on account of his inability to facilitate the reissuance of passport in his favour with the change in his personal particulars especially the deletion of the name of the ex-wife and the insertion of the name of his present

wife as his spouse. It is submitted by the learned counsel that the petitioner's fundamental rights guaranteed to him under Articles 19 & 21 of the Constitution of India stand violated on account of non-issuance of passport in his favour with the factual changes as sought therein.

16. There appears to be justification on the basis of the copies of the relevant documents including the dissolution of marriage deed and marriage certificate, for effecting substitution as regards the name of the spouse of the petitioner, in his passport.

17. The instant petition is **disposed of** with the direction to the respondents 3 & 4 to address the application of the petitioner for reissuance/renewal of passport in his favour with the deletion of the name of his ex-wife and the insertion of the name of his present wife as his spouse, provided there is no other legal impediment in issuance of the same.

18. The respondents are directed to expedite the process on the application and facilitate the reissuance or other wise of the passport within a period of two weeks.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
31.10.2026
Shahid Manzoor

Whether the order is speaking? Yes/No
Whether approved for reporting? Yes/No