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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 39696 of 2026

CNR: {HCMA012269062026}

Parameshwari
D/o.Late Munuswamy,
Permanent address at No. 25, Gandhi 2nd Street,
Puzhal, Chennai- 600 066.
Presently residing at 312- 1215
Boul Alexis -Nihon Saint -Laurent QC H4R 1Z3,
Represented by her General Power of Attorney
Mr.Arunkumar,
S/o. Late Munuswamy,
Residing at No.25, Gandhi 2nd Street,
Puzhal, Chennai – 600 066.

..Petitioner(s)

Vs

1. M/s.Union of India
   Through its Secretary,
   Ministry of External Affairs (MEA),
   South Block, New Delhi - 110 011.

2. M/s.Office of Joint Secretary (PSP) and
   Chief Passport Officer,
   Ministry of External Affairs,
   Govt. of India, Patiala House, Tilak Marg,
   New Delhi -110 001.

3. The Passport Officer / Consular Officer,
   High Commission of India,
   10, Springfield Road,
   Ottawa, Ontario K1M 1C9,
   Canada.

4. M/s.BLS International Services Ltd.,
   912, Indra Prakash Building,
   21, Barakhamba Road,
   New Delhi - 110 001.

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5. Sunendran

..Respondent(s)

Prayer : This writ petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the third respondent to process the petitioner's application for renewal of Passport by deleting the name of the fifth respondent and restoring the petitioner father's name in the passport and connected records by accepting the order dated 15.02.2019 passed by the Hon'ble Superior Court (Family Division), Canada, Province of Quebec, District of Montreal, within a time frame fixed by this Court.

For Petitioner(s) : Mr.S.Balamuki

For Respondent(s) : Mr.D.Baskar,
for R1 to R3

ORDER

This writ petition is filed for the following relief :

"*directing the third respondent to process the petitioner's application for renewal of Passport by deleting the name of the fifth respondent and restoring the petitioner father's name in the passport and connected records by accepting the order dated 15.02.2019 passed by the Hon'ble Superior Court (Family Division), Canada, Province of Quebec, District of Montreal, within a time frame fixed by this Court.*"

2. The petitioner's marriage with the fifth respondent was solemnised on 20.10.2014 and registered before the Sub-Registrar, Ponneri, on the same day. Subsequently, she joined the fifth respondent in Canada, where she came to know of his alleged relationship with another male and his medical inability to consummate the marriage. Consequently, the Superior Court, Quebec, Canada,

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dissolved the marriage by order dated 15.02.2019. Thereafter, the petitioner applied for renewal of her India passport in her maiden name, enclosing the foreign divorce decree. However, the third respondent returned the application, insisting upon a divorce decree from an India court, on the ground that the marriage was solemnised in India. Despite her detailed representation dated 30.04.2025, the application was again returned on 17.07.2025. Aggrieved by the respondents' refusal to process her passport renewal application and restore her maiden name, the petitioner has filed the present writ petition.

3. Heard the learned counsel on either side and perused the materials available on record.

4. Today, the learned counsel for the petitioner had produced an apostille document with reference to the decree for divorce. The learned counsel for the petitioner would refer to the judgment passed by the Delhi High Court in a similar case in ***Pritam Dey Vs. Union of India & ors. (W.P.(C).19685 of 2025 & CM APPL.82139 of 2025 decided on 29.05.2026)*** has observed as follows:

> "*39. In view of the aforesaid discussion, this Court is of the considered opinion that the foreign divorce decree passed by the Foreign Court is liable to be recognised as conclusive within the meaning of Section 13 of the CPC and, consequently, the respondent authorities cannot insist upon a*

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separate declaratory decree from an India Court as a pre-condition for carrying out consequential changes in the petitioner's passport records. Significantly, the respondents have also failed to demonstrate as to how the said decree falls within any of the exceptions contemplated under Section 13 CPC.

40. For the foregoing reasons, the present writ petition is allowed. The respondents are directed to consider and process the petitioner's request for effecting consequential changes in the petitioner's passport records, without insisting upon a separate declaratory decree from an India Court, within a period of eight weeks from the date of receipt of a copy of this order. Pending application(s), if any, stand disposed of."

5. Mr.D.Baskar, the learned counsel for the respondents 1 to 3 submits that the petitioner can make a fresh application along with the apostille document and then, the same would be considered.

6. Recording the same, the writ petition is ***disposed of*** with a direction to the petitioner to submit a fresh application coupled with the said document before the respondents 1 to 3 within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of the same, the official respondents shall consider and dispose of the same within a period of four weeks thereafter. The authorities shall also take into account the aforementioned

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judgment of the Delhi High Court of ***Pritam Dey (supra)*** and pass appropriate orders. No costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. M/s.Union of India
   Through its Secretary,
   Ministry of External Affairs (MEA),
   South Block, New Delhi - 110 011.

2. M/s.Office of Joint Secretary (PSP) and
   Chief Passport Officer,
   Ministry of External Affairs,
   Govt. of India, Patiala House, Tilak Marg,
   New Delhi -110 001.

3. The Passport Officer / Consular Officer,
   High Commission of India,
   10, Springfield Road,
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P.T.ASHA, J.

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