

106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12045-2026 (O/M)

Date of decision : 22.04.2026

Gurnoor Merdha (Minor) through his Natural Guardian Petitioner
Mother Smt. Paramjit Kaur through Special Power of
Attorney

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Shubham Mehta, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Senior DAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. Prayer in this civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of mandamus for directing respondents No. 1 to 3 to re-issue passport to the petitioner (minor).

2. Briefly, petitioner-Gurnoor Merdha (minor) was born on 28.12.2013 out of wedlock between Smt. Paramjit Kaur (biological mother) and Shri Surinder Pal (biological father). The marriage between Smt. Paramjit Kaur and Shri Surinder Pal is stated to have been solemnised on 01.04.2012. Smt. Paramjit Kaur is stated to be Indian citizen, staying in United States of America; whereas Shri Surinder Pal is stated to be US citizen.

2.1 It appears that Smt. Paramjit Kaur and Shri Surinder Pal have obtained a divorce from the Superior Court of California, County of

Sacramento, USA by way of mutual consent on 02.12.2025 (Annexure P-1), wherein the custody of petitioner (minor) has been given solely to Smt. Paramjit Kaur (biological mother), which is apparent from Clause 16 of Family Law Stipulation and Order dated 02.12.2025 (Annexure P-1), which reads as under :-

“16 x Other (specify)

Petitioner Paramjit Kaur is granted sole legal custody and sole physical custody of the parties child. Petitioner Paramjit Kaur may apply for a passport for the parties child GURNOOR MERDHA and file any and all documents necessary with U.S. Citizenship and Immigration Services (USCIS) for the parties child GURNOOR MERDHA to travel and immigrate to the United States of America without Respondent's signature or authorization. Should Respondent's signature be needed on documents for the parties child to immigrate to U.S.A., then the court reserves jurisdiction to enforce this provision if Respondent refuses to sign documents.”

2.2 It transpires that the petitioner (minor) was earlier issued a passport bearing No. S5212807, which was valid from 28.08.2018 upto 27.08.2023.

2.3 It further transpires that an application for re-issuance of passport was submitted on behalf of petitioner (minor) on 21.03.2026 in the form of Annexure 'C'; however, as per on-line status of said application, it is stated that the application of petitioner (minor) has been put on hold.

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition for seeking relief(s), as noticed hereinabove.

4. I have heard learned counsel for petitioner and perused the paper-book with his able assistance.

5. During the course of hearing of instant civil writ petition, the attention of learned counsel for petitioner was drawn towards the on-line status of passport application (Annexure P-6), which reads as under :-

<i>"Status Tracker</i>	
<i>File Numebr</i>	<i>JA3077098868526</i>
<i>Date of Birth</i>	<i>28/12/2013</i>
<i>Given Name</i>	<i>GURNOOR</i>
<i>Surname</i>	<i>MERDHA</i>
<i>Type of Application</i>	<i>Normal</i>
<i>Application received on Date</i>	<i>23/03/2026</i>
	<i>Passport application is put on hold at PSK where applicant submitted the application due to the following reason :</i>
<i>Status</i>	<i>Document Re-submission required. Applicant should visit PSK with complete documents as requested by PSK Officials."</i>

5.1 A perusal of above extracted status of petitioner's (minor) application for re-issuance of passport would show that certain documents are required to be re-submitted with the passport authorities, which apparently has not been done on behalf of petitioner (minor).

6. Faced with this situation, learned counsel for petitioner submits that he may be permitted to withdraw the instant writ petition at this stage with liberty to petitioner (minor) for re-submitting the required documents, in terms of on-line status (Annexure P-6); however, it is prayed that appropriate orders be passed that application for re-issuance

of passport to petitioner (minor) be considered by passport authorities without insisting upon the consent/no objection certificate from the biological father of petitioner (minor), by considering the fact that Smt. Paramjit Kaur has been granted sole legal custody of petitioner (minor) and also authorized to apply for passport of the petitioner (minor), in terms of Clause 16 of Family Law Stipulation and Order dated 02.12.2025 (Annexure P-1).

7. Keeping in view the aforesaid plea raised by learned counsel for petitioner, the instant writ petition is dismissed as withdrawn with liberty to the petitioner (minor) to re-submit the required documents with the passport authorities.

8. It goes without saying that in case the required documentation is submitted on behalf of petitioner (minor), the passport authorities shall consider the same and pass an appropriate order without insisting upon the consent/no objection certificate from the biological father of petitioner (minor), considering the fact that Smt. Paramjit Kaur has been granted sole legal custody of petitioner (minor).

9. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

22.04.2026
sjks

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No