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

+ **W.P.(C) 2177/2026**

DANIYAL EHAAN KHAN

.....Petitioner

Through: Mr Abhimanyu Tewari, Mr. Manav Bhalla, Mr. Ishpreet Singh, Ms. Somya Sahu, Advocates.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Siddhartha Shankar Ray, CGSC, Mr. Rajkumar Maurya, GP, Ms. Sonali Modi, Advocate, Mr. Mukul Dev, Advocates for UOI.
Mr. F. A. Khan & Mr. Tabish Kamal, Mr. Mohd Yousuf Ali, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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18.03.2026

1. Heard learned counsel appearing for the parties.
2. The petitioner has filed the present petition through his mother, and seeks direction to respondent no.1 to process the application and issue the renewed passport to the minor petitioner without insisting on a No Objection Certificate (NOC) from the father or a Court Custody Order.
3. It is submitted that the minor petitioner suffers from 'Autism Spectrum Disorder' and requires the passport for potential travel for



specialized medical care which is available abroad.

4. It is, the specific case of the petitioner that the parties have divorced in accordance with the rituals of Islamic Law (Talaq).

5. On notice being issued, the respondent-Father has filed the reply. The position that the parents of the petitioner are divorced, and the custody of the petitioner is with mother, remains undisputed.

6. The submissions made by the respondent-Father that in absence of their being full itinerary having been placed on record enabling the father to decipher where the petitioner is being taken for purported medical treatment, there is no necessity for renewal of the passport.

7. Various other submissions have been made including to state that the respondent-Father has resorted to provisions of 25 of the the Guardians and Wards Act, 1890 and the matter is pending before the Saket District Court. It is submitted that there are various other matters pending between the respondent-Father and mother of the petitioner and, accordingly, to respondent-Father, those factors have not been fully disclosed.

8. According to respondent-father, it is incorrect on the part of the mother to state that the child has been abandoned. He submits that he regularly pays the maintenance charges. He further submits that some records have been manipulated by the mother of the petitioner.

9. Be that as it may, in the instant case, the Court is not adjudicating any of the litigation pending between the father and mother of the petitioner. The Court is only concerned with respect to the right of the minor child for renewal of the passport.

10. The respondent-Passport Authority under the facts of the case, where, the divorce remains undisputed and the custody of the petitioner-child



remains with the mother, should not be denuded from its power or its discretion to renew the passport, subject to other necessary compliances.

11. With respect to the travel of the petitioner, the undertaking of the petitioner's mother is taken on record that the petitioner shall not be taken out of the Country unless the specific permission is obtained from the competent Court of Saket.

12. The same shall be considered by the concerned Court on placing the entire itinerary and on its due satisfaction regarding the urgency.

13. After renewal of the passport, if such an application is filed, the same shall be considered by the concerned Court with due expedition after affording opportunity of hearing to both respondent-father and mother of the petitioner.

14. With the aforesaid directions, the petition, along with pending application, stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

MARCH 18, 2026

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