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

+ W.P.(C) 17155/2025 and CM APPL. 70583/2025

Date of Decision: **07.04.2026**

**IN THE MATTER OF:**

MS. PARUL DAWARE & ANR.

.....Petitioners

Through: Ms. Shaini Bhardwaj, Mr. Aditya Sharma, Mr. Avichal Mishra, Mr. Vedic thukral, Ms. Rukhsar, Advocates.

versus

REGIONAL PASSPORT OFFICER & ANR.

.....Respondents

Through: Mr. Ashish K Dixit (CGSC), Mr. Adhiraj Singh (GP), Mr. Umar Hashmi adv, Ms. Iqra Sheik advs.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV**

**JUDGEMENT**

**PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

The petition is for directions to the respondents to reissue a passport in the name of minor petitioner no. 2, without her father's name.

2. Petitioner no. 1 is the mother of petitioner no. 2. According to the petitioners, on account of matrimonial discord, petitioner no. 1 and the father of petitioner no. 2 entered into Conciliated Agreement dated 07.04.2021 and subsequently, granted divorce as per the terms thereof, *vide* order dated 16.07.2022 passed by the concerned Family Court.

3. Thereafter, in the year, 2024, the petitioners applied for a passport in



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the name of minor-petitioner no. 2 and on 16.07.2024, a passport in which, the name of minor-petitioner no.2's father was specified, despite specific representation in this regard.

4. The petitioners have placed on record Conciliated Agreement dated 07.04.2021, whereby, it is clearly recorded that the father of petitioner no. 2 had agreed that their minor daughter would remain in permanent custody and single guardianship with the wife i.e., petitioner no. 1. The second party i.e. the husband and his family members, will never claim custody and rights of visitation over the minor children /daughter.

5. The said arrangement has been approved by the Court and, accordingly, a divorce decree has been passed. Paragraph no.4 of the said Agreement is extracted as under:

*“4. That the Second Party agrees in the interest and welfare of the minor daughter of about four mc,mths old namely Inara that the permanent custody and single guardianship will remain with the First P~. The Second Party and his family members will never claim the custody and rights of visitation over the minor child daughter.”*

6. It is thus be clear that for all practical purposes, the relationship of the petitioners and the father of petitioner no. 2 has been terminated. If, upon attaining majority, petitioner no. 2 has any rights, the same, however, shall remain protected.

7. So long as petitioner no. 2 does not claim any right *qua* her father or the latter exercises any right *qua* the former, there should not be any impediment for the passport authority in reissuing the passport without the name of petitioner no. 2's father.

8. Learned counsel appearing for the petitioner rightly placed reliance on the decision in the case of *Shalu Nigam and Anr. v. The Regional Passport*



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*Officer and Anr.*<sup>1</sup>, and also in the case of *Smita Maan and Anr. v. Regional Passport Officer*<sup>2</sup>, where in paragraphs 25 and 26, the court has held as under:

*“25. In this backdrop, the Court notes that the facts of the present case are quite peculiar. As per the settlement which has been entered into by the biological father and the mother/Petitioner No. 1, the father has given up all rights, if any, towards the child. There is no visitation. The child has also not been brought up by the father. Moreover, the fact that the minor son is also using the surname of the mother and the maternal grandparents, itself shows that the father does not wish to have any concern or relationship with the child. No maintenance or alimony has also been paid to the Petitioners in this case. In fact, this would be a case where the father has completely deserted the child. Under such circumstances, this Court is of the opinion that Clause 4.5.1. of Chapter 8 and Clause 4.1 of Chapter 9 would clearly be applicable.*

*26. In the unique and peculiar circumstances of this case, it is accordingly directed that the name of the father of Petitioner No. 2 be deleted from the passport and the passport be re-issued in favour of the minor child without the name of the father. Needless to add that this order shall not be treated as a precedent.”*

9. In view of the aforesaid, it is directed that the passport of the minor petitioner no. 2 be issued without name of Mr. Gaurav Sethi.

10. Petition stands disposed of.

**PURUSHAINDR KUMAR KAURAV, J**

**APRIL 7, 2026/P**

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<sup>1</sup> 2016 SCC OnLine Del 3023

<sup>2</sup> 2023 SCC OnLine Del 2323