

ITEM NO.2

COURT NO.7

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No.61432/2025

[Arising out of impugned final judgment and order dated 14-07-2025 in LPA No. 1231/2024 passed by the High Court of Delhi at New Delhi]

RACHITA FRANCIS XAVIER

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION)

(IA No. 335787/2025 - CONDONATION OF DELAY IN REFILEING SLP AND IA No. 335788/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 08-01-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. Bharadwaj S., AOR
Mr. Vikas Upadhyay, Adv.
Mr. Anshuman Ashok, Adv.
Ms. Neha Tandon, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Delay condoned.
2. Heard Mr. Bharadwaj S., the learned counsel appearing for the petitioner.
3. In Para 18 of the impugned Judgment, the Division Bench of the High Court has observed thus:-

"18. In view of the aforesaid, we are of an unambiguous opinion that the observations made by the learned Single Judge in paragraphs no.41 and 52 that the respondent qualified to be a person of "Indian Origin" is erroneous, and accordingly, the instant intra-court appeal deserves to be allowed to the limited extent. We, thus, set aside the observations made and findings recorded in paragraph no. 41 and 52 of the judgment dated 15.05.2024 passed by the learned Single Judge whereby it has

been held that the respondent would be a person of "Indian Origin".

4. According to the learned counsel, the issue of the petitioner - herein being of a person of "Indian origin" was not at all germane to the controversy in question.

5. According to the learned counsel, the Division Bench of the High Court for no good reason held the petitioner not to be a person of Indian origin.

6. Our attention was drawn to Section 5 of the Citizenship Act, 1955 (for short, the "Act, 1955"), more particularly sub-section 1 (f) of Section 5 which reads thus:-

"5. Citizenship by registration.- (1) Subject to the provisions of this section and such other conditions and restrictions as may be prescribed, the Central Government may, on an application made in this behalf, register as a citizen of India any person not being an illegal migrant who is not already such citizen by virtue of the Constitution or of any other provision of this Act if he belongs to any of the following categories, namely:-

xx xx xx xx

(f) a person of full age and capacity who, or either of his parents, was earlier citizen of independent India, and is ordinarily resident in India for twelve months immediately before making an application for registration."

7. Our attention was also drawn to sub-Section 4 of Section 5 which reads thus:-

"(4) The Central Government may, if satisfied that there are special circumstances justifying such registration, cause any minor to be registered as a citizen of India."

8. The learned counsel has also raised an issue of declaration of her client's status *in rem* & not *in personam*.

9. Issue notice, returnable on 30-1-2026.

10. Dasti service, in addition, is permitted.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)