

Court No. - 81

Case :- HABEAS CORPUS WRIT PETITION No. - 933 of 2023

Petitioner :- Mulayam Singh Yadav And 2 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Durgesh Chandra Tiwari

Counsel for Respondent :- G.A.,Anurag Mishra

Hon'ble Mrs. Jyotsna Sharma,J.

1. Heard Sri K.M. Tripathi, Advocate holding brief for Sri Durgesh Chandra Tiwari, learned counsel for the petitioner, Sri Anurag Mishra, learned counsel for respondent no. 3 and Sri Himanshu Kumar, learned AGA for the State.

2. It is submitted by the petitioners that minor daughter of petitioner no. 1 was handed over to his wife, on the basis of a compromise arrived at, in a proceeding of divorce under section 13B of the Hindu Marriage Act, 1955, however daughter of respondent no. 3 (wife of petitioner no. 1) went missing a few months ago and she could not be traced out till now. In these circumstances, he is seeking the custody of his minor kids from his father-in-law (respondent no. 3).

3. It is submitted by respondent no. 3 that he has no objection, if the custody is handed over to petitioner no. 1.

4. All the parties including the minor kids are present in-person before this court. From interaction with both the sides, it appears that the parties, in the wake of unexpected developments, have settled between themselves that the daughters, who are merely 12 years and 11 years old, shall stay with their father. It may be noted that the daughters are interviewed by this court. The daughters (petitioner nos. 2 and 3) appear to be quite intelligent and have expressed willingness to go with their father.

5. I considered the submissions of both the sides. Minor daughters (the corpus) appear to have good understanding of the situation and are definitely inclined to stay with their father. In my view their best interest lies with their father. In view of the above circumstances, the respondent no. 3 is directed to hand over the custody of petitioner nos. 2 and 3 to their father (petitioner no. 1).

6. Accordingly, this habeas corpus writ petition is **allowed**.

Order Date :- 7.11.2023

#Vikram/-