

Court No. - 13

Case :- HABEAS CORPUS WRIT PETITION No. - 317 of 2023

Petitioner :- Dev Awasthi Thru. His Mother Juhi Awasthi

Respondent :- Shivam Awasthi And 4 Others

Counsel for Petitioner :- Manju Sharma

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar,J.

1. Case called out in the revised list.
2. None appears for the petitioner.
3. Perusal of order-sheet goes to show that on the last date also no one is present on behalf of the petitioner therefore, it appears that petitioner is not interested in pursuing the matter.
4. This petition has been filed by Dev Awasthi, minor aged about 8 years (the detenue), through her mother Smt. Juhi Awasthi.
5. Learned A.G.A., on the basis of instructions, submits that an inquiry was conducted and statement of the parents of the deponent Juhi Awasthi have been taken. The deponent was married with respondent No.1 in the year 2013. She lived with her parents in Delhi for five years and after five years she abandoned the detenue and came to Lucknow. He submits that the statement of the father of the deponent further shows that she never went to meet her son as well as her husband to Delhi neither tried to contact them. The deponent is presently in the bad company of one Arti and is alcoholic. It has been prayed by the father of the deponent Narendra Kumar Tiwari in his statement dated 08.10.2023 that the detenue may be permitted to live with his son in law Shiv Om Awasthi with whom he is safe. The allegations levelled by the deponent against her husband are false.
6. The instructions provided by the learned A.G.A. along with statements are taken on record.
7. In view of above statements and considering the fact that for the last two dates, no one is appeared for the petitioner to press this petition coupled with the facts stated by father of the deponent through whom this petition has been filed, it is

evident that the detenue is living safely with his father and it is not a case of illegal detention.

8. The writ of habeas corpus fails and is accordingly ***dismissed***.

Order Date :- 11.12.2023

Saurabh Yadav/-