

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (HABEAS CORPUS) NO. 25 OF 2015

Smt. Manjari Dongre, W/o Abhijeet Dongre, aged about 32 years, R/o (Current) House No. F 8, River View Colony Koni, Tehsil & District Bilaspur (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Department of Home, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
2. Director General of Police, Chhattisgarh, Raipur.
3. Superintendent of Police, Bilaspur, District Bilaspur (C.G.)
4. Superintendent of Police, Indore, District Indore (M.P.)
5. Abhijeet Dongre S/o Shri Arvind Dongre, aged about 37 years, R/o 52 Lokmanya Nagar Extension, Keshar Baag Road, Indore (M.P.)

... Respondents

For Petitioner	:	Mr. Saurabh Dangi, Advocate.
For Respondent-State	:	Mr. Vivek Sharma, Deputy Government Advocate.
For Respondent No.5	:	Mr. Praveen Das, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per NAVIN SINHA, C.J.

21/12/2015

1. In view of the specific statutory remedy available under the Hindu Minorities and Guardianship Act, 1956, including Section 5 of the same, the parties being husband and wife respectively, and the question being related to the custody of their minor child, we are of the considered opinion that this writ petition styled as habeas corpus is completely misconceived.

2. Shri Praveen Das, Learned Counsel appearing on behalf of Respondent No.5, the husband, assures the Court that no sooner that his client receives notice from the competent Court in accordance with

law, he shall be entering appearance before the competent Court so that final adjudication on the question of custody may be expedited in the interest of the minor child.

3. Since the present writ petition has been dismissed only in view of the alternate statutory remedy, nothing in the present order shall be deemed, construed or opined as adverse or favourable to either of the parties in any proposed application that may have to be adjudicated under the Hindu Minorities and Guardianship Act, 1956.

4. The writ petition is dismissed as not maintainable.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge