

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 705 OF 2015.

Tanveer Wahab Sheikh .vs. Ravishankar Shalikram Gupta & others

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Mr. P.W. Mirza, Advocate for petitioner.
Mr. R.K. Tiwari, Advocate for respondent nos. 1 to 4,
Mr. D.P. Thakare, Addl. Public Prosecutor for respondent
nos. 5 to 8.

CORAM : B.R. GAVAI & PRASANNA B. VARALE, JJ.

DATED : SEPTEMBER 29, 2015.

The present habeas corpus petition has been filed by the petitioner praying for production of Ms. Diksha – his wife in the Court.

The Court had issued notice to the respondents vide order dated 7.9.2015.

Today, Ms. Diksha has been produced in the Court by respondent nos. 1 & 2, who are her father and mother respectively.

We have personally interviewed Ms. Diksha in the chambers. She reiterates that she has married with the petitioner on 27.2.2015 in Amravati as per Muslim rites. She has expressed her desire to reside with the petitioner. Subsequently we have also interviewed the parents of the petitioner, so also the respondent nos. 1 & 2.

Parents of the petitioner, namely, Abdul Wahab Shaikh Gulab – the father and Saida Sherin w/o Wahab Shaikh – the mother have expressed their desire to accept Ms. Diksha

as their daughter-in-law. They also stated that in order to assure the respondent nos. 1 & 2, the parents of the said Ms. Diksha regarding her future safeguards, they are willing to give an undertaking that the property belonging to them after their death will stand in the equal share of the said Ms. Diksha and their younger son, namely, Tasmim Wahab Shaikh.

The petitioner has also stated that though he belongs to a religion which permits more than one marriages, he is willing to give an undertaking that he will not marry anyone else and would continue to have a married life only with Ms. Diksha.

Though the parents of the petitioner have pursued the respondent nos. 1 & 2 to accept the relationship of the petitioner and Ms. Diksha, the respondent nos. 1 & 2 are not willing to do so on account of the opposition of the people of their community at Dharni. Ms. Diksha is born on 10th October, 1992. As such, she has completed 22 years, 11 months and 19 days. As such, we will have to respect the desire expressed by her.

Since she has expressed her desire to reside with the petitioner, the petition is allowed. Ms. Diksha is permitted to reside with the petitioner.

The petitioner shall file an undertaking in this Court within a period of one week, that he will not marry anyone else and would have a marital relationship only with the said Ms. Diksha.

Parents of the petitioner, namely, Abdul Wahab Shaikh Gulab – the father and Saida Sherin w/o Wahab Shaikh – the mother shall file an undertaking in this Court pointing out the details of the property owned by them and also stating therein that after them, the property shall go equally to the

share of Ms. Diksha and their younger son Tasmim Wahab Shaikh. The said undertaking shall also be filed within a period of one week from today.

Needless to state that the respondent no.5 shall ensure that no untoward event happens in Dharni and shall also see to it that necessary protection is granted to the petitioner and said Ms. Diksha and also to the respondent nos. 1 & 2, if the said respondents face any onslaught from the members of their community at Dharni.

Judge

Judge.

J.