

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.2021 of 2015

ORDER:

Heard the learned counsel for the petitioner and learned Government Pleader for Home representing the respondents 1 to 3 and Mr.Mohd.Saleem, learned counsel for the fourth respondent.

Petitioner admits the allegations in the affidavit that her daughter, who is three years old, has been illegally detained and in the confinement of 4th respondent. She therefore had filed a complaint dated 11.11.2014 and 21.01.2015 before the third respondent, alleging no efforts were taken, the present writ petition is filed.

When the writ petition initially came up before this Court, notice was issued and 3rd and 4th respondents are now represented by counsel. Govt.Pleader had received instructions and it was informed to the Court that petitioner and 4th respondent are estranged husband and wife and liberty was granted to the petitioner to take appropriate course of action before competent civil Court seeking custody of the minor child. Later, on 20.02.2014, 4th respondent appeared through his counsel Mr.Saleem and in the presence of the petitioner, who was present before the Court, and on accepting her request, it was directed that the petitioner is given liberty to meet her child who is studying at Mary's Play Home at 12th Cross, Pillanna Gardens, Bangalore, Karnataka State and no objection of 4th respondent for such visit was recorded. On the request of the petitioner, it was also further directed that 4th respondent shall also be present in the Court along with child on the next date of hearing to enable the petitioner

to meet the child.

In pursuance to the said order, learned counsel for the 4th respondent as well as the 4th respondent is present in the Court along with the child and it is stated that child is studying in the school as referred to above and already no objection was recorded for the petitioner to meet the child at the same school. It is also reported that inspite of the direction to visit the child, the mother has not met the child in these two weeks.

Apparently since the child is with the father and is taken care of by her father by putting up the child in school, the allegation of the petitioner that the child is illegally detained by the 4th respondent is clearly not substantiated. So far as the claims of petitioner and 4th respondent relating to the custody of the child is concerned, obviously Article 226 of the Constitution of India is not the Forum appropriate and petitioner has to take appropriate steps before the competent civil Court or as offered by the learned counsel for the petitioner, he is at liberty to resolve the issue amicably.

In that view of the matter, the writ petition is dismissed. No order as to costs. The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date:06.03.2015

Rns.



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