

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 30898 OF 2015

20-11-2015

Between:

Mohd. Anwar and another

... Petitioners

And

The State of Telangana, rep., by its Chief Secretary, Department of Home,
Secretariat Buildings, Hyderabad and others

... Respondents

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WRIT PETITION No. 30898 OF 2015

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PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This Habeas Corpus petition is filed by the petitioners – husband and wife seeking production of Master Aman claiming that he is in illegal detention of respondent Nos.5 and 6. They claim that they are natural parents of Master Aman. Whereas, respondent Nos.5 and 6 claim that within two months after the birth of Master Aman, he was given in adoption to them by the petitioners and that a document to that effect was also executed.

We would not like to express any opinion whatsoever in respect of the claim of the parties regarding adoption this being a Habeas Corpus petition.

On last occasion, we had directed respondent Nos.1 to 4 to secure presence of respondent Nos.5 and 6 along with Master Aman. Yesterday, respondent Nos.5 and 6 with Master Aman were present in the Court, so also the petitioners. We interacted with Master Aman in Chamber and also the petitioners and respondent Nos.5 and 6 independently and jointly. We informed learned counsel for the parties our impressions after meeting Master Aman in Chamber and his reaction, when petitioner No.2 tried to embarrass him. Keeping that in view when we expressed that this petition can be disposed of with the order that we propose to pass, learned counsel for the parties have agreed for the same. In view of our directions, today they have placed on record separate affidavits of the petitioners and respondent Nos.5 and 6 agreeing for the order that we propose to pass. Their affidavits are taken on record and marked 'X, X-I, X-II and X-III' for identification.

We, accordingly, dispose of the writ petition by the following order:

“Master Aman shall continue to remain in the custody of respondent Nos.5 and 6. The petitioners shall have right to meet Master Aman on every Sunday between 10.00 AM and 12.00 Noon (for two hours) along with their children, as stated in their affidavits at the residence of respondent Nos.5 and 6. The statements

made by respondent Nos.5 and 6 on affidavits that they shall not permanently take Master Aman out of India are accepted. This, however, shall not preclude them from taking him out of India for vacations. It is needless to mention that whenever respondent Nos.5 and 6 propose to take Master Aman out of India on vacation, they shall keep the petitioners informed about the same. The undertakings given and/or statements made on affidavits by the petitioners that they shall withdraw all criminal cases filed by them against respondent Nos.5 and 6 are accepted. It is made clear to learned counsel for the parties that they shall try to develop and maintain good relations with each other and also allow the petitioners to develop rapport with Master Aman. The parties shall not resort to pressurising tactics against each other. We also observe that when we passed this order, parties were present in the Court.”

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

20-11-2015

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