

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE  
AND  
HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION No.1621 of 2016**

Date: 31.03.2016

**Between:**

Hajera Tabassum D/o Hafiz Abdul Azeem,  
Aged about 26 years, Occu:Household,  
R/o H.No.11-1-215, Aghapura, Hyderabad.

..... Petitioner

and

The State of Telangana, Principal Secretary,  
Home Department, Secretariat, Hyderabad  
and others.

.... Respondents

The Court made the following:

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE  
AND  
HON'BLE SRI JUSTICE P. NAVEEN RAO**

**WRIT PETITION No.1621 of 2016**

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

This Habeas Corpus writ petition has been filed by the young mother seeking custody of her four months old male child, who, according to the petitioner, respondent no.4 forcibly snatched and is not allowing her to meet him. On 11.02.2016 we passed the following order.

“ Heard learned counsel for the parties.

Petitioner and respondent no.4 are present in the Court with their four months old child, Riyan Huzaifa.

As per our directions, issued in the interest of the child, respondent no.4 handed him over to the petitioner. We are allowing the petitioner to take the child with her and keeping this petition for further hearing on 25.02.2016. Till then, we are allowing respondent no.4 and his family members, in particular his sister and mother, to meet the child everyday if they so desire between 10.00 AM and 12.00 Noon in the morning or 5.00 and 7.00 PM in the evening.

We direct the petitioner to allow respondent no.4 and his family members to meet the child, as aforementioned. Learned counsel for the petitioner has assured the Court that the petitioner will allow respondent no.4 and his family members to meet the child. It is open to respondent no.4, in the meanwhile, to file counter-affidavit, if he so desires, with an advance copy thereof to the advocate for the petitioner.”

2. We are informed that till this date access to the child given to respondent no.4, his parents and his sister has been enjoyed by them uninterruptedly. We are also informed that some proceedings are pending before the Family Court, Hyderabad in O.P.No.148 of 2016 filed by the respondent no.4. Keeping that in view and having

considered the age of the child, we are not inclined to pass any further order and allowing the petitioner to keep custody of the child till an order in respect of the child's custody is passed by the Family/competent Court. The Family Court shall consider and deal with O.P.No.148 of 2016 or any other proceedings that will be filed by either of the parties seeking custody of a child, or for any other relief on merits in accordance with law and uninfluenced by this order. While passing this Court order, we make it clear that we have not considered merits of the case and allowed the mother to keep the child, having regard to his tender age.

3. Writ petition is disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions if any pending shall stand closed.

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**DILIP B. BHOSALE, ACJ**

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**P.NAVEEN RAO, J**

Date :31.03.2016  
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**E THE ACTING CHIEF JUSTICE DILIP B.BHOSALE  
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HON'BLE SRI JUSTICE P.NAVEEN RAO**

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