

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 41682 OF 2015

05.01.2016

Between:

Md. Vali Babu,
East Godavari District.

... Petitioner

And

The State of Andhra Pradesh,
Rep. by the Principal Secretary,
Home Department,
Secretariat, Hyderabad and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

-

WRIT PETITION No. 41682 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 one Md. Vali Babu, S/o. Md. Rajulu, seeking production of Smt. Chundru Hari Chandana @ Shajeeda Dilshad, who, according to the petitioner, has been illegally detained by her parents. Parents are not parties to the writ petition.

Learned Government Pleader, however, kept Ms. Hari Chandana and her parents present in the Court.

Petitioner and Ms. Hari Chandana claim that they married as per Mohammedan Personal Law on 02.03.2013.

Learned Government Pleader placed Talaknama dated 13.11.2015 also on record duly signed by the petitioner, Ms. Hari Chandana, their parents and witnesses. Copy of Talaknama is taken on record and marked 'X' for identification. According to the petitioner, they were forced to sign on the Talaknama.

We are not inclined to express any opinion on the marriage and Talaknama since that is not the issue before the Court. We interacted with Ms. Hari Chandana on last occasion in Chamber and today in the Court and she expressed that she would like to go with the petitioner. In the course of interaction, she also informed us that after marriage her parents allowed her alone to go to college and appear for some examination. That being so, it is always open for Ms. Hari Chandana, if she so desires, to join the petitioner. We also apprised her of the fact that if the Talaknama is as per the Mohammedan Personal Law, she should consider the consequences thereof while joining the petitioner as his wife. Ms. Hari Chandana is

double graduate (M.Tech). She is 25 years old and capable enough to take her own decision.

In view thereof, we dispose of this Writ Petition allowing Ms. Hari Chandana to go with the petitioner if she so desires. It is needless to mention that the parents of Ms. Hari Chandana shall not prevent, if she desires to join the petitioner.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 05.01.2016

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