

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

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**CRM No.160 of 2016 in
CRWP No.873 of 2015
Date of Decision: June 13, 2016**

MANPREET KAUR
STATE OF PUNJAB AND ORS

VERSUS

.....PETITIONER
.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Vaneet Sharma, Advocate
for applicant/petitioner.

Mr.Rupam Aggarwal, DAG, Punjab.

Mr.Sehaj Bir Singh, Advocate
for respondent No.4.

AMOL RATTAN SINGH, J.(Oral)

By this application (CRM No.160 of 2016), the petitioner is seeking temporary custody of her minor son during the summer vacation in his school, for the period 18.06.2016 to 31.07.2016.

Upon notice issued, a reply of respondent No.4 (father of the child) has been filed, stating therein that the child, Abyukt Manat Singh Chopra, has been invited to the Zhengding National Table Tennis Training Centre, hosted by the China Table Tennis Federation, from 28.06.2016 to 25.07.2016.

He further submits that the child is not willing to go to his mother.

Still further, learned counsel submits that this being a writ petition in the nature of habeas corpus, the scope of such a petition is very limited, to the extent of production of the child in the Court, and a direction for handing over custody of the child would not lie.

Learned counsel for the petitioner, on the other hand,

established the fact that vide a consented order dated 05.01.2016, it had

been held that the child would be allowed to meet his mother, on the terms fixed in the order itself.

Be that as it may, in the opinion of this Court, a technicality of maintainability of the habeas corpus petition for even temporary custody of the child, at a stage when the holidays are around the corner, should not come in the way of the welfare of the child, which, again in the opinion of the Court, would involve a healthy interaction with both his parents.

Therefore, the child should be granted permission to stay with his mother for atleast a limited period during the vacation. Hence, it is directed that the petitioner be given temporary custody of the child, from 19.06.2016 to 25.06.2016, after which custody would be handed over to the father.

The criminal miscellaneous application stands disposed of.

June 13, 2016
TSG

(AMOL RATTAN SINGH)
JUDGE