

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

CRWP No.828 OF 2016
DATE OF DECISION : 13TH JULY, 2016

Shivani Mahajan

.... Petitioner

Versus

State of Haryana & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. Salil Sabhlok, Advocate for
 Mr. Arjun Sheoran, Advocate for the petitioner.

 Mr. Anand Chhibber, Senior Advocate with
 Mr. Lalit Thakur, Advocate for respondents No.4 and 5.

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A. B. CHAUDHARI, J. (ORAL)

Heard learned counsel for the rival parties.

The parties have been present with their counsel on several dates. The petition has been adjourned on the request of the parties and their counsel from time to time. This court made orders after spending considerable time on 13.06.2016 and thereafter on 14.06.2016 by making extra efforts by speaking to the parties in chamber.

It is not necessary to reproduce those orders in this order. The orders made on the aforesaid two dates by this Court shows that this Court exerted to find out the ways and means to resolve the issue once for all. Not only that this Court on 04.07.2016 made an order to return the passport and OCI card to the petitioner and that has been complied with.

This is a petition for habeas corpus in relation to the custody of girl child aged about 4 years arising out of matrimonial dispute between the petitioner and respondent No.4. In the wake of the orders referred to above and compliance thereof, and in the light of the fact that the petition is for habeas corpus and further fact that the child was produced and this Court then made arrangement in the order dated 14.06.2016 about visitation rights etc. these proceedings should come to an end. There is one more reason for saying so, namely that civil case between these parties is pending in the trial Court, and an English Court had already passed a decree earlier. Needless to say that these proceedings for a writ of habeas corpus are of summary nature to meet the emergent situation. This Court duly acted on the petition.

However, counsel for the petitioner repeatedly submits that he would like to argue the habeas corpus petition on the basis of the Supreme Court judgments that the court must monitor the habeas corpus petition about the custody of the children when there is dispute between the contesting parties as to the matrimonial dispute. The submission made by him is wholly unacceptable. In the background of the fact that this court made all effective orders as stated above by spending its time in “mediation” in chamber and also made arrangement, the insistence to keep the petition pending is unfair.

At this stage learned counsel for the petitioner again submitted that even the orders of the UK Court are not being complied with. To this learned senior counsel for respondent No.4 categorically states that the said order of the UK Court shall be complied with in letter and spirit.

I do not find that anything more is required from the counsel for respondent No.4 which could be stated in this order. The arrangement made in this petition under the orders of this court under the present petition is obviously

subject to further orders to be made by the competent civil court. In that view of the matter I do not think that the academic arguments of the petitioner and the learned counsel for the petitioner at length should be heard for their pleasure.

Hence the criminal writ petition is disposed of.

13TH JULY, 2016
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(A. B. CHAUDHARI)
JUDGE