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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 2971/2016

ISHITA NAGPAL & ANR.

..... Petitioners

Through : Mr.Abhishek Baid and Mr.Rakesh
Wadhwa, Advs. along with petitioners.

versus

STATE & ORS.

..... Respondents

Through : Mr.Rahul Mehra, Standing Counsel (Crl.)
for respondent no.1/State.

Mr.Anand Sanjay and Mr.Manish Gupta,
Advs. for respondents no.2 and 3.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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17.11.2016

1. Present writ petition has been filed by the petitioners under Article 226 of the Constitution of India seeking a writ of habeas corpus thereby directing respondents no.2 and 3 to produce their mother, Mrs.Manju Nagpal @ Mrs.Manju Balli before this Court and hand over her custody to them and their father.
2. As per the petition, the marriage of the parents of the petitioners was solemnised on 19.5.1993 against the wishes of the parents of the mother of the petitioners. Out of their marriage, the petitioners herein were born on 1.2.1994 and 7.1.1998, respectively, who have now grown up and have filed the present petition. Since the parents of the mother of the petitioners were unhappy with the marriage, they started harassing the parents of the petitioners herein. The parents of the mother of the petitioners herein also persuaded the mother of the petitioners herein to leave her matrimonial home, pursuant to which she left her matrimonial

home.

3. Today, Mrs.Manju Nagpal @ Manju Balli is present in Court. The petitioners have met their mother. While the petitioners submit that it would be in the interest of the family if their mother joins the company of their father, Mrs.Manju Nagpal submits that she had separated from her husband for 14 years and during this period neither the petitioners nor their father has contacted her, nor any attempt was made by her husband to either lookafter her or pay maintenance to her. She further submits that she was given shelter by her mother and brother, who are respondents no.2 and 3 herein, respectively. She also submits that even now there is no occasion for her to join her matrimonial home as she was subjected to physical and mental harassment, besides she was thrown out of her matrimonial home by her husband, who is not present even today.
4. We have heard learned counsel for the parties, the parties and Mrs.Manju Nagpal @ Manju Bali, who are present in Court. While the efforts of the petitioners herein to reunite their parents cannot be doubted but the stand taken by their mother, Mrs.Manju Nagpal, cannot be ignored that she was thrown out from her matrimonial home, she was tortured and harassed by her husband and thus she does not wish to join her matrimonial home.
5. Having regard to the fact that Mrs.Manju Nagpal @ Manju Balli has been produced in Court and in view of the statement made by her, no further orders are required to be passed in this petition and the same is dismissed accordingly.

G.S.SISTANI, J

VINOD GOEL, J

NOVEMBER 17, 2016 //msr