

HON'BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

W.P. No. 11549 of 2017

ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed for the following substantive relief:

"...to issue a writ of Habeas Corpus directing the respondent Nos.1 to 3 to produce the petitioner's daughter namely Asma Jabeen Begum, aged about 23 years, R/o.9-4-4/ 49/ A, Hakeempet, Tolichowki, Hyderabad."

2) It is averred in the writ affidavit that the petitioner has five daughters. Her elder daughter – Meharunnisa Begum, aged about 40 years, was married to the 4th respondent in the year 2011 and she resides with her husband in Tolichowki, Hyderabad. Her second daughter – Anees Jahan Begum, aged about 38 years, was also married and resides wither husband in Tolichoki. The petitioner's third daughter –Qamar Jahan Begum is single and pursuing her B.Ed. 2nd year from Adam College and residing with the petitioner. Her fourth daughter –Mubeen Jahan Begum, aged about 28 years, was married and is residing with her husband at Bandlaguda, Hyderabad. It is further stated that on 05.12.2016, the petitioner's 5th daughter – Asma Jabeen, who is aged about 23 years and pursing 2nd year B.Ed. in Adam College, Hyderabad, went to the College for the purpose of

getting her testimonials. After coming back from College, she went out of the house to bring chips from a Bakery shop at about 05:30 P.M., but did not return home. They made all efforts to search for her, but she could not be traced. However, on 05.12.2016, the 4th respondent sent his wife to the petitioner on the pretext that he was going to Vijayawada which is his native place. The petitioner did not inform him about the disappearance of her 5th daughter. He promised to come back but did not return. Hence, the present writ petition is filed.

3) In pursuance of the order dated 04.04.2017 passed by this Court, the 4th respondent and Asma Jabeen, who is the 5th daughter of the petitioner, are present before this Court. The learned Assistant Government Pleader has filed a copy of the Marriage Certificate issued by the Chief Executive Officer, Telangana State Waqf Board which discloses that the 4th respondent married Asma Jabeen on 07.12.2016. The date of birth of the 4th respondent is 04.04.1974 and that of Asma Jabeen is 10.07.1994. Thus, on the date of marriage, both are majors and they married as per their will and wish. Under Muslim Law, one can marry four wives at a time and the girl whom the 4th respondent married, is second wife and it is undisputed that both are living happily since their marriage.

4) In view of the facts recorded above, we feel that no further orders are required to be passed in this writ petition.

5) Accordingly, the writ petition is dismissed. It is made clear that the petitioner and her family members shall not in any way disturb the family life of Asma Jabeen and the 4th respondent either directly or indirectly. No order as to costs.

6) As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

10.04.2017

bcj

SURESH KUMAR KAIT, J

U. DURGA PRASAD RAO, J

