

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

CR No.6449 of 2006 (O&M)

Date of Decision: 11.09.2017

Seema Kapoor and another

... Petitioners.

Versus

Deepak Kapoor and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Anil Malhotra, Advocate, Amicus Cureae
for the petitioners.

Mr. Pawan Sharda, Sr. DAG, Punjab

Mr. S.S. Sandhu, Advocate
for the CBI.

Mr. Ivan Singh Khosa, Advocate

ANIL KSHETARPAL, J. (ORAL).

Seema Kapoor and Surinder Kumar have filed this revision petition challenging the order dated 03.11.2006 passed by the Additional Civil Judge(Senior Division) Dasuya, directing Seema Kapoor and Surinder Kumar to hand over the interim custody of Aishley Kapoor born on 14.08.1999 to natural parents.

In this revision petition, operation of the impugned order i.e. 03.11.2006 was stayed.

Aishley Kapoor is now more than 18 years of age. Hence, I am of the considered opinion that this revision petition as well as proceedings before the trial Court under the Guardians and Wards Act have become infructuous as with the lapse of time, no further order under the Guardians and Wards Act can be passed.

Although, this case has a chequered history and various detailed orders have been passed by this Court as Seema Kapoor and Surinder Kumar abused the process of the Court by taking the advantage of the interim order passed by this Court and removed the child from the jurisdiction of this Court to the United Kingdom, but in view of the subsequent development and keeping in view the passage of time, the present petition has become infructuous.

This Court even issued contempt notice, however, the service of notice could not be effected. The Central Bureau of Investigation was also involved. Efforts were made for extradition of Seema Kapoor and Surinder Kumar as well as Aishley Kapoor but remained unsuccessful.

In view of the fact that this revision petition has been pending for almost 11 years but the presence of neither Seema Kapoor nor Surinder Kumar or Aishley Kapoor could be secured, I am of the considered opinion that this case is required to be closed. However, as and when the police authorities or the Central Bureau of Investigation are able to secure the custody of Seema Kapoor and Surinder Kumar, the respondents would be at liberty to move an application for prosecuting the petitioners under The Contempt of Courts Act, 1971.

In view of the above, the revision petition is dismissed as
infructuous.

11.09.2017
sk

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No