

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No. 1635 of 2016

Date of Decision: 03.04.2017

Sumit Kumar Sharma

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ankit Joshi, Advocate
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

Heard.

Learned State counsel submits that Upasana Tiwari daughter of Omkar Tiwari and Usha Tiwari (respondent no. 5), is aged 16 ½ years as per her school leaving certificate and Aadhaar Card. She has been kept in Aarushi Shelter Home, Palam Vihar, Sector 21, Gurgaon under the order passed by Judicial Magistrate, Gurgaon.

Learned counsel for the petitioner submits that Upasana Tiwari has married with the petitioner and she is major. It is a point in issue to be determined at later stage whether she is minor or major. However, her mother in her affidavit dated 03.01.2016 has categorically stated that her daughter is married. Copy of the affidavit in the shape of compromise with the petitioner has been produced by learned counsel for the petitioner, which is taken on record.

The factum of marriage of petitioner with Upasana Tiwari is not disputed. It will be a matter of evidence to see as to whether Upasana

Tiwari is minor or major. However, under no circumstance keeping her in shelter home is justified. Upasana Tiwari is directed to be produced before the Child Welfare Commission, which will enquire from her as to whether she wants to live in Shelter Home or wants to accompany her parents or the petitioner. After recording her intention, she will be allowed to go with the person of her choice.

Disposed of with above direction.

Copy of this order be conveyed to the concerned authorities.

April 03, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No