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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 2602/2017
LAXMAN L KUMAR Petitioner

Through: Mr. Francis Paul, Adv.
versus

STATE & ORS Respondent
Through: Mr. Rahul Mehra, Standing Counsel
(Crl.) with Mr. Tushar, Adv for Govt. of NCT of
Delhi with SI Abhijit Kumar, P.S. Civil Lines.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **08.09.2017**

Present Criminal Writ Petition under Article 226 of the Constitution of India seeks a direction of writ in the nature of habeas corpus to the official respondent to produce the wife and two children of the petitioner “dead or alive” (sic) before this Court.

Notice. Mr. Rahul Mehra, learned Standing Counsel for the Govt. of NCT of Delhi accepts notice and hands over a status report, which is taken on record. Perusal of the petition as well as the status report reveals a few startling facts which are elaborated hereunder:

Mr Laxman L. Kumar, the petitioner is stated to have married one Ms Veena, the sister of, *inter alia*, respondent No. 3 (Mr. Norris Pannalal) on 31st August, 1984 according to Christian customs, ceremonies and rites. The said Ms. Veena is stated to have four sisters and three brothers who jointly own a property at 8, Rajpur Road, New Delhi.

The petitioner states that he converted to Christianity before the wedding ceremony and initially resided together with Ms. Veena at a rented

accommodation.

Subsequently, when Ms. Veena delivered a baby boy (unnamed in the petition) in the year 1986 and thereafter a baby girl (again unnamed in the petition) in the year 1988, they started residing in the joint family property at 8, Rajpur Road, New Delhi.

It is the assertion of the petitioner that in the year 1989 he was assaulted by respondent No. 3 and forcibly evicted from 8, Rajpur Road, New Delhi.

It is also asserted on behalf of the petitioner that despite several visits to 8, Rajpur Road, he has not been able to meet either Ms. Veena or his children on account of obstructive behaviour of respondent No 3.

Admittedly, since the time of his “eviction” from 8, Rajpur Road, New Delhi, there is nothing on record to show that he had approached a Court of law or the police authorities to register his protest qua the alleged illegal detention of his wife and children and the assault perpetrated upon him. Further, it is neither the assertion of the petitioner nor has any material been placed on record to show that he had approached the police authorities to file a missing person’s report in relation to his wife Ms. Veena or his children. At the bar, Mr. Paul, the learned counsel for the petitioner submits that, in fact, the latter hired a lawyer who misled the petitioner by leading him to believe that a petition for restitution of conjugal rights has been filed before the competent Court. However, no such averment has been made in the present petition. Furthermore, it is observed that the petitioner is unable to produce any document to support his claim that he got married to Ms. Veena, as stated.

A Division Bench of this Court in ***Vinod Mehta & Anr. vs. Union of***

India & Ors. (W.P. (C) 7350/2008, decided on 16.11.2010) posited the law in relation to the instant claim thus:

“27. Delay defeats equity is a principle recognized by law. Acquiescence and estoppel are principles recognized by law. A wrong which has stood for years together and upon which people have founded their actions has been recognized as incapable of being corrected after years. Only where so gross is the injustice caused and so fundamentally illegal is a wrong do Courts ignore delay in resorting to judicial remedies. It is in the interest of society that grievances should be aired within the shortest possible time and sorted out within the shortest possible time. This is the reason why law of limitation has been recognized as an essential part of every justice administration system.”

A plain reading of the above would show that the Courts do not come to the aid of an individual who has been slothful in asserting his rights, as in the present case. On the petitioner’s own assertion, he has not interacted either with Ms. Veena or his own unnamed children since 1989 i.e. for almost 27 years.

The present petition does not inspire any confidence in the conduct of the petitioner and is devoid of merit. It is accordingly dismissed.

SIDDHARTH MRIDUL, J

NAJMI WAZIRI, J

SEPTEMBER 08, 2017/acm