

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA
AND
THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

H.C.P.NO.1241 OF 2018

R.Jeyanthi
W/o Murali
No.2, Dhanalakshmi Nagar
Kannankurichi, Salem District

..... Petitioner

Vs

1. The Sub Inspector of Police
Kannankurichi Police Station
Salem District.
2. Murali
S/o Baskaran, Citizen Taluk Office
239, Cherry Road, Kumarasampatti
Vincent Bus Stop,
Salem - 7.

..... Respondents

For Petitioner : Mr.I.C.Vasudevan

For Respondents : Mr.R.Prathap Kumar
Additional Public Prosecutor
- for R1
M/s.B.Vasudevan - for R2

Writ Petition under Article 226 of the Constitution of India
for a Writ of Habeas Corpus seeking direction to the respondents
to produce the petitioner's son before this Court and hand over
to the petitioner.

O R D E R

(Order made by Dr.S.VIMALA, J.)

This petition is filed seeking a direction to the second respondent to produce her son Surya aged about 7 years before this Honourable Court.

2. In the supporting affidavit, it is stated that the marriage between the petitioner and the second respondent took place on 26.11.2010 and out the wedlock, the detinue Surya was born on 30.1.2011 and he was studying in Sri Sessaas International Public School, Salem. It is stated by the learned counsel for the petitioner that the second respondent took the child with a promise to return and thereafter he did not keep up the promise. It is stated that the mother of the second respondent is suffering from cancer and therefore it may not be possible to devote full attention to the child and therefore the petitioner must be permitted to have the custody of her son . At the same time, neither the petitioner nor the learned counsel for the petitioner have objected for the visiting rights to be exercised by the father.

3. Learned counsel for the second respondent insists that in a week, for five days, the custody of the child shall be with the father and for the rest of two days, the custody can be given to the mother as she is a working woman.

4. The child is aged about 7 years and he had been in the custody of the mother till March 2018. In the above circumstances, after hearing both sides, we feel it appropriate that it would be proper for the detinue to be under the care and custody of the mother and therefore, we direct that the custody shall be with the mother and the father viz., the second respondent shall be entitled for the visiting rights. The father shall exercise his visiting rights on Saturday and Sunday every week. With the above direction, the H.C.P. is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

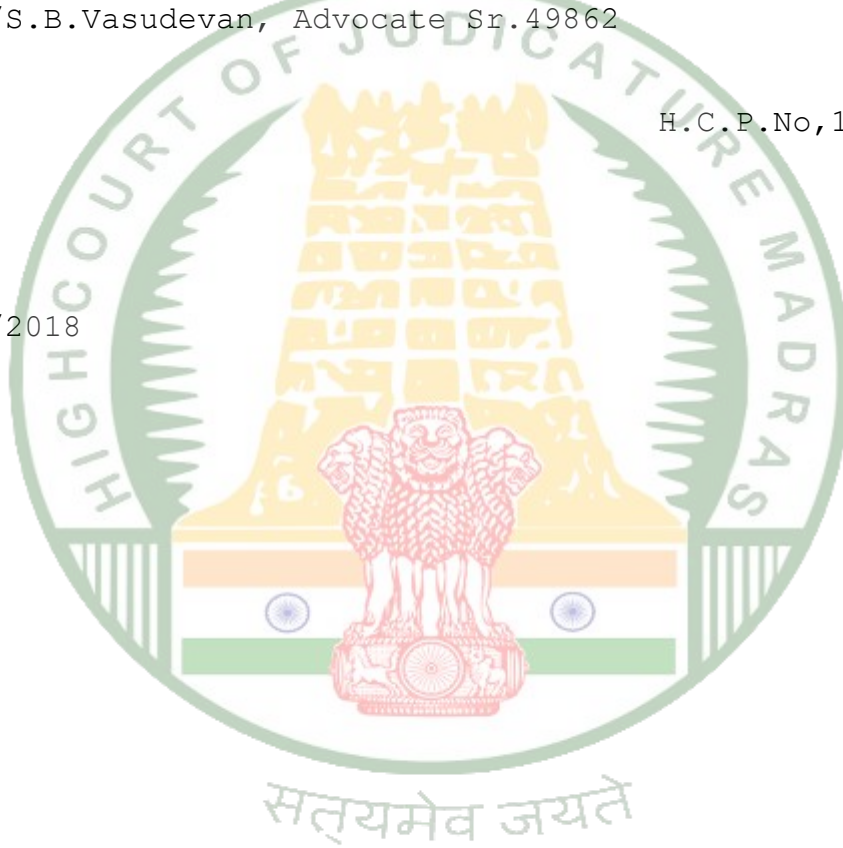
1. The Sub Inspector of Police
Kannankurichi Police Station
Salem District.
2. The Public Prosecutor,
High Court, Chennai.

+1cc to M/S.I.C.Vasudevan, Advocate Sr.50294

+1cc to M/S.B.Vasudevan, Advocate Sr.49862

H.C.P.No,1241 of 2018

sj[col
srg 10/09/2018



WEB COPY