



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

AND

THE HON'BLE MRS. JUSTICE S.RAMATHILAGAM

Habeas Corpus Petition No.1192 of 2018

Mr. A.David Rajan

... Petitioner /

Father of the detainee

versus

1. The Commissioner of Police, Vepery, Chennai
2. The Inspector of Police, W-22 All Women Police Station,
Mylapore, Chennai 600 004 ... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a direction to direct respondents to produce the body of the detainee, D.Lenard Joshva, aged 8 years, before this Court and handover the child to the petitioner.

For Petitioner : Mr. K.Balasubramanian, for,
M/s. Law Square.
For Respondents : Mr. R.Prathap Kumar, APP.,
For detainee's mother : Mr. P.K.Ganesh
(SR.No.32046/18 dt.15.6.2018)

O R D E R

(Order of the Court was made by S.Vimala, J.,)

This petition has been filed by the petitioner / father of the detainee seeking to produce her son, D.Lenard Joshva, aged 8 years before this Court.

2. Heard the learned counsel appearing for both sides.

3. Today, when the case is called, the second respondent has produced the minor child, by name, D.Lenard Joshva, aged 8 years. The child is accompanied by his mother.

4. The learned counsel appearing for the petitioner submitted that the mother has obtained an exparte decree of divorce from the Family Court and thereafter, has re-married and having the custody of the child, D.Lenard Joshva, aged 8 years, and his whereabouts was not informed to the petitioner herein and that has made the petitioner to file the Habeas Corpus Petition before this Court.

5. It is contended by the learned counsel appearing for the petitioner that no proceedings have been taken under the Guardians and Wards Act and as such, there is no order of any visiting rights to the petitioner and the petitioner is employed at Kuwait and therefore, he should be given visiting rights till



he obtain the visiting rights from the competent Civil Court.

6. Considering the paramount interest of the child, the petitioner is given visiting rights to see the child-D.Lenard Joshva, aged 8 years, in the Children Play Center, Principal Family Court, Chennai, on every second and fourth Saturdays of the Indian English Calender Month, for a period of two months, so as to enable him to move the competent Civil Court.

7. With the above directions, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Police, Vepery, Chennai
2. The Inspector of Police, W-22 All Women Police Station, Mylapore, Chennai 600 004
3. The Public Prosecutor, High Court, Madras.
- 4.The Children Play Centre, Principal Family Court, Chennai.

+1cc to M/s.Law Square, Advocate Sr.No.40125

+1cc to Mr.P.K.Ganesh, Advocate sR.No.40131

sm:28.6.2018

H.C.P.No.1192 of 2018