

**216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRWP-858-2018 (O&M)

Date of decision: November 17, 2018

Ajay Aggarwal

....Petitioner

Versus

UT Chandigarh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. G.S. Bedi, Advocate
for the petitioner.

Mr. Rajiv Sharma, APP, UT Chandigarh.

Mr. Aditya Sanghi, Advocate
for respondent No.3.

Ms. Jaspreet Kaur, Amicus Curiae.

RAJ SHEKHAR ATTRI, J.(ORAL)

The present petition filed under Article 226/227 of the Constitution of India is for issuance of a writ in the nature of Habeas Corpus directing respondents to produce master Yug Aggarwal, who has been illegally and forcibly removed from the custody of the petitioner/father.

In pursuance to order dated 23.10.2018, petitioner-husband has already deposited Rs.50,000/- by way of demand draft in favour of her wife Jyoti.

Registry is directed to hand over the demand draft to the respondent-wife Smt. Jyoti in terms of order dated 02.11.2018 passed by this court.

Today the case was fixed for production of child. The child has been produced in the court and he remained in the company of the petitioner.

Smt. Jyoti has disclosed before this court that she has already filed a petition for divorce before the District Judge, Hisar, which is pending for 21.11.2018.

This court deems it appropriate that the parties may appear before the Secretary, District Legal Services Authority, Hisar for amicable settlement of their dispute, and if necessary, the case may be referred to Mediation and Conciliation Centre, Hisar. Parties may approach to the learned Secretary, District Legal Services Authority, Hisar on 21.11.2018.

However, the detenue child is less than three years of age. It is in the interest of justice that his custody be remain with his mother and it cannot be said that the mother is having his custody in an illegal manner.

In this view of the matter, the petition for habeas corpus is not maintainable. Consequently, this petition stands disposed of as such.

(RAJ SHEKHAR ATTRI)
JUDGE

November 17, 2018

m. sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No