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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4107 OF 2018

Mr.Ashish Chatterjee	]	..Petitioner.
v.		
Mrs.Sushmita Chatterjee & Ors.	]	..Respondents.

Mr.Raghvendra Mehrotra, for the Petitioner.
Mrs.S.V.Sonawane, APP for the State.

**CORAM : INDRAJIT MAHANTY &
SARANG V. KOTWAL, JJ.**

DATE : 21st FEBRUARY, 2019.

P.C.

1] This writ of Habeas Corpus has been filed by the Petitioner-husband Ashish Chatterjee seeking direction to Respondent No.2 -wife Sushmita Chatterjee to produce their son Aayush before this Court.

2] Learned counsel for the Petitioner-husband fairly submits that the Petitioner and Respondent No.2 got lawfully married on 16th January, 1996. Aayush was born on 12th January, 2001. It appears that their matrimonial relationship came to an end by filing Petition under Section 13-B of the Hindu Marriage Act, 1955, vide an order passed on consent terms in Petition No.A-2304 of 2013 dated 27th June, 2014. Admittedly, the said Consent Terms contain a clause regarding grant of custody of the son Aayush to respondent No.2.

3] Learned counsel for the Petitioner submits that Respondent No.2 has migrated to United States and has taken their son alongwith her and he is unaware of the location of Respondent No.2 and their son.

4] However, we find that, the contention of the Petitioner that he is unaware of the location of his son, is without any basis since he has impleaded his divorced wife as respondent No.2 and has also provided her address.

5] Admittedly, the son of the petitioner and respondent No.2 viz. Aayush was born on 12th January, 2001 and admittedly, his custody was given by the learned Judge, Family Court No.2 Mumbai in favour of Respondent No.2 and by passage of time the son Aayush has now become major. In this view of the matter, we find no justification in entertaining the present Writ Petition. Hence, Writ Petition No.4107 of 2018 stand dismissed.

6] We make it clear that dismissal of the present Writ Petition shall not stand in the way of the Petitioner seeking alternate legal remedy as may be available to him in law.

(SARANG V. KOTWAL, J)

(INDRAJIT MAHANTY, J)