



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE M. M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE M. NIRMAL KUMAR

H.C.P.No.154 of 2018

R.Sandhiya

.. Petitioner

- Vs -

1. The Inspector of Police,
All Women Police Station,
Vaniyambadi,
Vellore District.

2. Nithyanantham

.. Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus to directing the first respondent to produce the petitioner's elder son namely Dheekshan minor aged about 6 years illegally detained by the second respondent before this Court and set him at liberty forth with and to handover her custody.

For Petitioner : Mr.K.L.Sekar

For Respondents : Mr.C. Iyyappa Raj
Additional Public Prosecutor
for R1

Mr.S.Prem Auxilan Raj for R2

O R D E R

(The Order of the Court was made by M. M.SUNDRESH,J.,)

This is a fight for custody of the children between the petitioner and the second respondent borne out of the matrimony discord. It appears that already a petition for divorce has been filed by the second respondent, which is pending for consideration.



2. After hearing, it is hereby agreed in the presence of the learned counsel and the second respondent as follows:

(i) The parties are at liberty to approach the competent Court either for interim or permanent custody of the children.

(ii) Till such orders are passed by the competent Court, first and third Sunday of every English calendar month, the second respondent shall hand over the elder son to the custody of the petitioner from 10.00 a.m. to 05.00 p.m.

(iii) The second and fourth Sunday of every English calendar month, the younger son will be brought by the petitioner and will be left with the second respondent on the very same terms.

3. This is only an interim arrangement, till the parties get appropriate orders from the competent Court.

4. In the result, this Habeas Corpus Petition stands disposed of accordingly.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vkrr/kmk

To:

1. The Inspector of Police,
All Women Police Station,
Vaniyambadi,
Vellore District.

2. The Public Prosecutor
High Court, Madras.

+1 cc to Mr.S.Prem Auxilan Raj, Advocate, S.R.No.49387

+1 cc to M/s.K.L.Sekar, Advocate, S.R.No.49777

H.C.P.No.154 of 2018

GP(CO)
SSM(06/08/2019).