

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20..08..2019
CORAM

The Honourable Mr Justice M.M.SUNDRESH
and
The Honourable Mr Justice M.NIRMAL KUMAR

Habeas Corpus Petition No.1374 of 2019

M.William Carrey

... Petitioner

-Versus-

1.The Secretary to Government,
Home Department,
Fort St. George, Secretariat,
Chennai 600009.

2.Inspector of Police,
HVG Estate Police Station,
Avadi, Chennai 600 062.

3.P.Blessing Shebina

... Respondent

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the the 2nd respondent to produce the petitioner's daughter - W.Jadyn Binea (Minor), aged about 5 years before this court from the custody of the 3rd respondent and handover the custody of the minor child to the petitioner.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.V.Saradha Devi, GA for
RR1 and 2

Mr.R.P.Murugan Raja and
Mr.D.Velmurugan for R3

ORDER

[Order of the court was made by Justice M.M.SUNDRESH]

The petitioner is the father of the detainee. He has come up with this petition seeking custody of the detainee.

2. The petitioner and the 3rd respondent got married and thereafter divorced. The detenue is a child of 2 years born out of the wedlock. the grievance of the petitioner is that the 3rd respondent is not complying with the terms agreed upon before the court with respect to the custody of the child.

3. Today, the petitioner and the 3rd respondent along with her child (detenue) are present before us. The father of the 3rd respondent is also present. The detenue is at very tender age. She is very reluctant naturally to converse with the petitioner. Therefore, to start with, we require the 3rd respondent to go along with the petitioner by taking the detenue with him and spend time so that both the petitioner and the detenue could spend an hour time to reestablish the contact. The parties have also agreed to the above said terms. We further direct the parties to appear before the Mediation and Conciliation Center attached to the High Court of Madras for mediation on 16.09.2019 for mediation. We request the mediation center to appoint a trained mediator, who is well versed with the child psychology to resolve the dispute.

4. In the result, this Habeas Corpus Petition is closed with the above directions, however, giving liberty to the parties to file a separate Habeas Corpus Petition , in the event of any difficulties.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Secretary to Government,
Home Department, Fort St. George,
Secretariat,
Chennai 600009.

2.Inspector of Police,
HVG Estate Police Station,
Avadi, Chennai 600 062.

3.The Public Prosecutor,
High Court, Chennai.

4.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

5.The Deputy Director,
Tamil Nadu Mediation and Conciliation Centre,
High Court of Madras,
Chennai-104.

+1cc to Mr.R.P.Murugan Raja, Advocate Sr.72060

+1cc to Mr.A.Saravanan, Advocate Sr.70954

H.C.P.No.1374 of 2019

svi[col]
srg 16/09/2019



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