

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No. 1874 of 2019

S.Kavitha

... Petitioner

-vs-

1.State Rep. by
The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore.

2.S.Maheshwari alias Baby

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the first respondent to produce the petitioner's mother Poovathal, aged about 68 years, before this Court from the illegal custody of the second respondent and set her at liberty.

For Petitioner : Mr.S.Aqtib Shah

For Respondents : Mr.R.Prathap Kumar
Addl. Public Prosecutor for R1

: Mr.C.Ramkumar for R2

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

Seeking a direction to the first respondent to produce the petitioner's mother Poovathal, aged about 68 years, before this Court from the illegal custody of the second respondent and set her at liberty, the present Habeas Corpus Petition has been filed.

2. Prima facie, we do not find any illegal detention involved. The petitioner and the second respondent are sisters. Now, the dispute is over the custody of the mother.

3. On discussion with the petitioner and the second respondent, it appears that the ailing mother has been with the second respondent for decades.

4. The petitioner, who is the younger sister of the second respondent seeks custody. Thus, we do not find any illegal detention involved.

5. Accordingly, the Habeas Corpus Petition stands closed. However, considering the fact that the dispute is between the family members, we direct both the parties to appear before the District Legal Services Authority, Coimbatore on 21.10.2019. The parties, who appeared before us have also agreed to resolve the dispute before the District Legal Services Authority, Coimbatore. The second respondent has also informed us that there is no objection for the petitioner to visit the ailing mother whenever she wants. The statement made by the second respondent stands recorded.

Sd/-
Assistant Registrar(CJ Conf)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The District Legal Services Authority,
Coimbatore.

2.The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.C.Ramkumar, Advocate SR.84956

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VGII(CO)
CB(04/11/2019)

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