

HON'BLE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.6103 of 2019

ORDER: (Per Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

The unfortunate victim in this writ petition is a child born on 26.04.2014 in Sydney. It appears that there are disputes between the petitioner, who is the mother of the child and 7th respondent, who is the father of the child. Essentially, the writ petition aims at finding ways and means for the mother to have access to the child, which is now with the paternal grand parents. Jurisdiction under Article 226 of the Constitution of India cannot be extended since the issue may require deeper consideration on various facets relating to the child in issue, its eligibility, requirement, need rather than the rival claims of the parents for access to child. It is the child's priority which will have to be decided upon. It is not for the writ Court to entertain this matter and issue any direction.

2. Without prejudice to the petitioner seeking appropriate relief for custody, visitation rights or other reliefs, in accordance with law, from the competent jurisdictional Courts, even in India, this writ petition is dismissed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

A. RAJASHEKER REDDY, J

March 22, 2019
DSK