

High Court for the State of Telangana

**THE HONOURABLE THE CHIEF JUSTICE
SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY**

Writ Petition No.29125 of 2019

Date: 31.12.2019

Between:

Smt.Pooja Rathod

... Petitioner

... And

The State of Telangana,
Rep. by its Principal Secretary,
Home Department,
Hyderabad and six others

... Respondents

Counsel for the petitioner : Miss Ashwini Reddy

Counsel for the respondent Nos.1 to 6: Mr.S.Santosh Kumar,
Learned Counsel for the State

The Court made the following:

ORDER: (Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

The petitioner has filed the present habeas corpus petition, *inter alia*, on the ground that the custody of her child, Master Darsh Rathod, aged about five years, is with her husband, Mr.Tarun Rathod, respondent No.7. According to the petitioner, Mr.Tarun Rathod has taken away the child from her custody, and the custody of the child is an illegal one.

2. However, Mr.S.Santosh Kumar, the learned counsel for the State, submits that the respondent No.7 has already filed a case for child custody before the learned III Additional Family Judge, Chennai. The summons issued by the said Court have already been received by the petitioner. Hence, the petitioner is well aware of the fact that the issue with regard to the custody of the child is presently *sub-judice* before the said Court. Therefore, according to the learned counsel, the petitioner is merely doing forum shopping. Hence, the writ petition should be dismissed.

3. Heard the learned counsel for the parties.

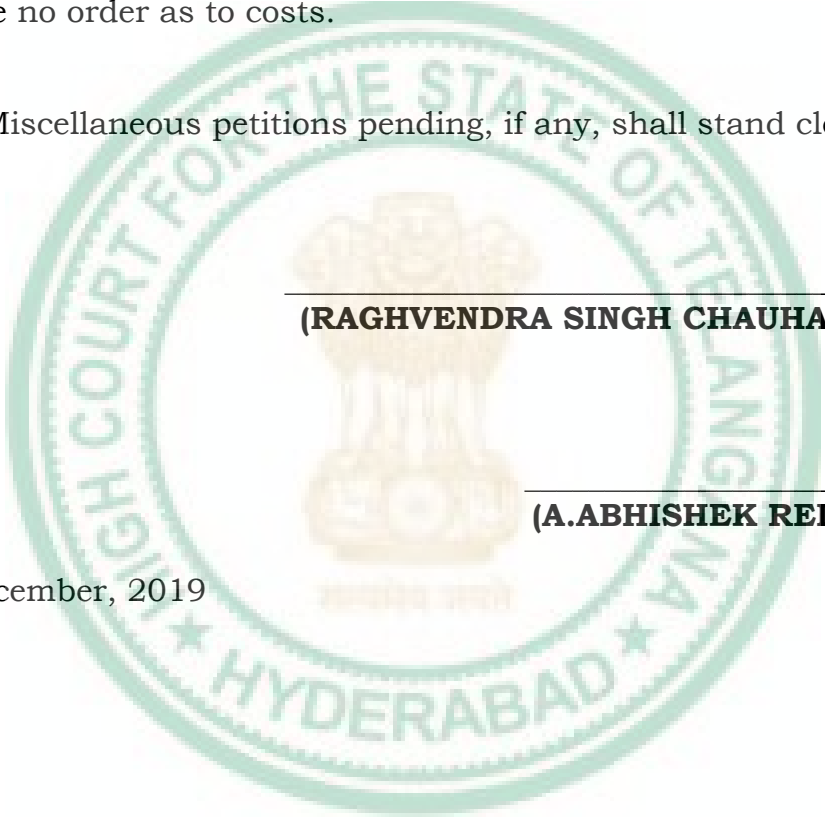
4. Once the issue of child custody has been agitated, and is *sub-judice* before the learned III Additional Family Judge, Chennai, the petitioner cannot be permitted to file the present habeas corpus petition. For, to permit the petitioner to file the present writ petition would be to scuttle the entire judicial process, which has been initiated, and is continuing before the learned III Additional Family Judge, Chennai.

5. Moreover, no litigant is permitted to do forum shopping.

6. Most importantly, two Courts cannot be permitted to be seized with the same issue, as there is grave likelihood that the two Courts may pass contradictory orders.

7. Since the issue with regard to the custody of the child is already seized by the learned III Additional Family Judge, Chennai, the petitioner has ample opportunity to contest the matter before the said Court. Therefore, this Court does not find any merit in the present habeas corpus petition; it is, hereby, dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.



(RAGHVENDRA SINGH CHAUHAN, CJ)

(A.ABHISHEK REDDY, J)

31st December, 2019
Lrkm