

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P. No. 1025 of 2020

Grace Sylvia, Female aged 31 years,
W/o. Stalin Samuel,
3/510, S3 ABT Happy Homes Thalavalpatti,
Sithanur,
Salem.

... Petitioner/ Mother of the
detenue

Vs

1.The Commissioner of Police,
Salem City, Salem.

2.The State rep. By
The Inspector of Police,
All Women Police Station,
Sooramangalam,
Salem City, Salem.

3.Stalin Samuel,
S/o. Samuel Kovilpillai.

4.Kalaiselvi,
W/o. Samuel Kovilpillai.

5.Samuel Kovilpillai,
S/o. Arumanayagam,

3 to 5 all are residing at
No.C-102, Building No.72,
Swaraj CHS, Road No.13,
Tilak Nagar,
Chembur, Mumbai 400 089.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of Writ of Habeas
Corpus, to direct the 1st respondent to produce the detenue Minor
Tvisha Selby aged about 5 years bodily or in person before this
Court and handover to the petitioner.

For Petitioner : Mr. S. Parthasarathy

For Respondents: Mrs. M. Prabhavathi, (For R1 & R2)
Additional Public Prosecutor

O R D E R

(Order of the court was made by N.KIRUBAKARAN,J.)

The matter is heard through "Video Conferencing".

2. The mother has filed the petition seeking custody of the child, who is in the custody of paternal grand parents and the husband who are private respondents 3 to 5 herein.

3. When the matter is called today, all the parties are present before this Court through Video Conferencing. It is evident from the interaction that there is a divorce petition filed by the 3rd respondent against the petitioner, which is pending before the Family Court, Mumbai. Earlier, when the petitioner went to Mumbai to take custody of her daughter through Police, proceedings have been initiated by the Child Welfare Committee. After hearing the parties, the Child Welfare Committee handed over the child to the paternal grand parents, reserving the right for the petitioner to visit the child every Monday and Friday. When a competent authority has passed an order, this Court cannot pass any parallel order. However, taking into consideration the fact that petitioner is the mother and she should be allowed to have access to the child, this Court directs the respondents 3 and 4 to allow the child to have Video call with the petitioner on every Saturday and Sunday, between 05.00 p.m and 06.00 p.m or 06.00 pm and 07.00 pm, whichever is convenient. At the time of attending the call, the child should be left free and no one should be present with the child during their conversation, so that the child could have interact with the mother freely.

4. With the above observation, this petition is closed.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsa

To

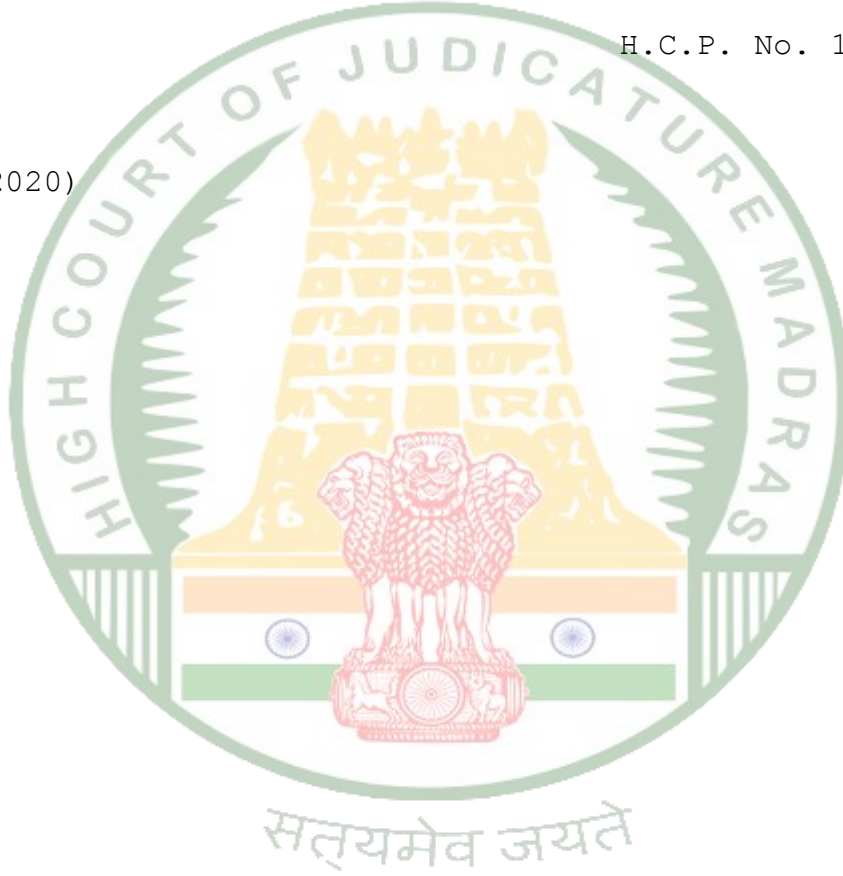
1.The Commissioner of Police,
Salem City, Salem.

2.The Inspector of Police,
All Women Police Station,
Sooramangalam,
Salem City, Salem.

3.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 1025 of 2020

RSK(CO)
GN(25/09/2020)



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