

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.11.2020

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

H.C.P. NO. 1442 OF 2020

S.Banibai

...Petitioner

-VS-

1.The State Rep. by its
The Superintendent of Police,
Salem District, Salem.

2.The State Rep. by
The Inspector of Police,
AWPS, Sooramangalam, Salem.

3.R.Haribalamani

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the second respondent to produce the body of the petitioner minor daughter P.H.Tanishka Srie, aged 2 years, D/o.P.R.Haribalamani before this Court who is in the custody of the 3rd respondent and hand over her custody to the petitioner.

For Petitioner : Mr.D.Padmanabhan

For Respondents : Mr.R.Prathap Kumar,
: Addl. Public Prosecutor
for R1 and R2

: Mr.P.Tamilvel for R3

WEB COPY
ORDER

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

The petitioner, who is the mother of the minor child aged about 2 years, seeks her custody from the third respondent, who is none other than her husband and the father of the child.

2.Heard the learned counsel appearing for the parties.

3.Learned counsel appearing for the petitioner submitted that despite all efforts, the child has not been shown to the petitioner and the petitioner is ready and willing to live with the third respondent and the child.

4.Learned counsel appearing for the third respondent submitted that the child has been living with the said respondent for more than one year at Salem and the petitioner has got severe health issues. He further submitted that Guardian O.P. No. 206 of 2020 has already been filed before the District Court, Salem.

5.The petitioner is present today. Making the child to come before this Court especially during the pendency of the Guardian O.P. and during the present situation would not be conducive and in the interest of the child. Thus, we direct the third respondent to make sure the presence of the child before the District Court, Salem on 18.12.2020, the day on which the hearing is fixed so that the petitioner can be present and interact with the child. We call upon the District Court, Salem to facilitate the interaction between the petitioner and the child on that day.

6.With the above direction, the habeas corpus petition stands closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Superintendent of Police,
Salem District, Salem.

2.The Inspector of Police,
AWPS, Sooramangalam,
Salem.

3.The District Court,
Salem.

4.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 1442 of 2020

GJ(CO)
KKV/21/12/2020