

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 1513 of 2020

R.Sabarinath

... Petitioner

Vs

- 1.The Director General of Police,
Police Headquarters,
Puducherry - 605 001.
- 2.The Superintendent of Police(HQ),
Beach Road,
Puducherry - 605 001.
- 3.The Inspector of Police,
Orleanpet Police Station,
Orleanpet,
Puducherry - 605 001.
- 4.The Chairperson,
Child Welfare Committee,
Ariyankuppam,
Puducherry - 605 007.

5.Dr.Meenakshi Sogumar

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus directing the third respondent to produce the petitioner's infant child, aged 1 year and 9 months before this Court from the custody of the 5th respondent and hand over to the petitioner.

For Petitioner : Mr.G.Rajaganapathy

For Respondents Mr.Bharathachakravathy
: Public Prosecutor(Pondy)
for R1 to R3

: Mr.A.R.Nixon for R5

ORDER

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

The petitioner, who is the father of the child seeks custody from the fifth respondent, who is the wife of the petitioner.

2.Admittedly, the wife of the petitioner, who is also present today has filed a petition for divorce as against the petitioner has preferred a petition seeking custody of the child. Both the petitions are pending before the respective Courts.

3.Taking note of the fact that both the petitioner and his wife are practising Doctors in the United Kingdom, we instructed the learned counsel to make their appearance to resolve the dispute between them which is broadly on the issue of living together and if not, the arrangement with respect to the minor child, who is presently with the fifth respondent.

4.We have spent considerable time with the parties. While the wife of the petitioner insisted that she wants divorce and does not want the child to have any interaction with the petitioner, the petitioner is willing to go for divorce provided a suitable arrangement is made with respect to the upbringing of the child in the United Kingdom.

5.Thus, our efforts did not yield any result. There is always a difficulty in making an attempt to resolve the dispute between the two young educated individuals, who happened to be professionals. This is one such case.

6.Thus, without expressing anything on merits, we are closing this habeas corpus petition, giving liberty to the parties to workout the remedy before the concerned Courts.

7.Learned counsel appearing for the petitioner submitted that the petition filed by the petitioner before the Family Court, Puducherry may be expedited.

8.Considering the fact that the petitioner has not even seen the child, we direct the Court below to expedite the hearing. The next date of hearing is to be fixed on 09.12.2020, during which time, the fifth respondent before us shall make sure that the child is brought to the Court so that the petitioner can have a look since he does not see the child for nearly two years.

9.In view of the above, the habeas corpus petition stands closed. Since we have not expressed anything on the merits of the case, the Court below is expected to decide the pending petition on its own merits without being influenced by the order passed by this Court.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

- 1.The Judge,
Family Court, Puducherry.
- 2.The Director General of Police,
Police Headquarters,
Puducherry - 605 001.
- 3.The Superintendent of Police(HQ),
Beach Road,
Puducherry - 605 001.
- 4.The Inspector of Police,
Orleanpet Police Station,
Orleanpet, Puducherry - 605 001.
- 5.The Chairperson,
Child Welfare Committee,
Ariyankuppam, Puducherry - 605 007.
- 6.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.R.Nixon, Advocate Sr.37607

H.C.P. No.1513 of 2020

kk[co]
srg 30/11/2020