

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP-6888-2020

Date of decision : 4.12.2020

Rajesh

... Petitioners

VERSUS

U.T., Chandigarh

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rahul Bhargava, Advocate,
for the petitioner.

Mr. Sukant Gupta, Addl. PP, UT, Chandigarh.

KARAMJIT SINGH, J.(Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The present habeas corpus petition has been filed by the
petitioner with regard to custody of Devika (minor), she being her mother-
in-law.

Counsel for the petitioner submits that at the time of filing of
this petition, Vishal husband of Devika was in jail and that is why, the
present petition was filed by his mother to get custody of Devika. It is
further submitted that permission be given to the petitioner to withdraw this
petition with liberty to Vishal (husband) to file similar petition seeking
custody of his wife Devika who is presently lodged in Protection Home,
Sector 15, Chandigarh under orders of Child Welfare Committee dated
4.8.2020.

This Court is of the view that in the presence of the husband,
the present petition filed by the mother-in-law is not maintainable.

Accordingly, in the light of the statement made by the counsel for the petitioner, this petition is hereby dismissed as withdrawn with liberty to the husband to file a similar petition on the same cause of action, if permissible under law.

The petitioner is at liberty to get certified copy of document Mark 'A', i.e., statement of Devika recorded by JMIC (Duty Magistrate), Chandigarh on 16.9.2020, under the rules.

December 4, 2020

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

(KARAMJIT SINGH)
JUDGE

Yes/No
Yes/No