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H.C.P.(MD)No.581 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.581 of 2023

Sankaranarayanan Ragavan, S/o.S.Raghavan ... Petitioner/Father of the detainee
vs.

- 1.The Secretary,
Ministry of Home Affairs,
Government of India,
North Block,
New Delhi – 110 001.
- 2.The Secretary,
Ministry of Overseas Indian Affairs,
Government of India,
Akbar Bhavan,
Chanakyapuri,
New Delhi – 110 021.
- 3.The Superintendent of Police,
Tenkasi,
Tenkasi District.
- 4.The Superintendent of Police,
Thoothukudi,
Thoothukudi District.
- 5.The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.



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6.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

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7.Saravanaselvi, W/o.Sankaranarayanan Ragavan

... Respondents

Prayer :- Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, directing the respondents 1 to 6 to secure the detainee namely, Nadiya Sankaranarayanan, daughter of Sankaranarayanan Ragavan, aged 11 years and produce the person or body of the detainee before this Court and hand over her custody to the petitioner, enabling him to produce the detainee before the Royal Court of Justice in England and Wales in Case No.FD22P00450.

For Petitioner : Mr.R.J.Karthick

For Respondent Nos.1 & 2 : Mr.K.Govindarajan
Deputy Solicitor General of India

For Respondent Nos.3 to 6 : Mr.RMS.Sethuraman
Additional Public Prosecutor

For Respondent No.7 : Mr.K.P.Narayanakumar

For Mediator : Mrs.N.Krishnaveni
Senior Counsel



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ORDER

(Order of the Court was made by M.S.RAMESH, J.)

This Habeas Corpus Petition has been filed directing the respondents 1 to 6 herein to secure the petitioner's daughter namely, Nadiya Sankaranarayanan, aged about 11 years and produce her before this Court and hand over her custody to the petitioner, enabling him to produce her before the Royal Court of Justice in England and Wales in Case No.FD22P00450.

2. It is the case of the petitioner that owing to certain matrimonial disputes between himself and the seventh respondent herein, they are in estranged relationship. In connection with the legal proceedings initiated by the petitioner, touching upon the guardianship and custody of the child, Nadiya Sankaranarayanan before the High Court of Justice Family Division, England and Wales, series of orders have been passed, whereby, the child Nadiya Sankaranarayanan was ordered to be a Ward of High Court of Justice, Family Division and thereafter, the mother/seventh respondent herein shall make the child and the child's passport available for collection by the father or the paternal grandparents by no later than 26.10.2022 and that the father shall return the child to England forthwith on or before 28.10.2022. In view of the non-compliance of the said order, the present Habeas Corpus Petition was filed by the petitioner, seeking orders to secure his



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daughter and hand over her custody to him, enabling him to produce her before the Royal Court of Justice, England and Wales.

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3. Pending the Habeas Corpus Petition, we thought it fit that the petitioner, as well as his wife be referred to Mediation to resolve the issue amicably between themselves by taking into consideration the welfare of the child, as well as the orders passed by the High Court of Justice, Family Division, England and Wales. In this connection, Mrs.N.Krishnaveni, learned Senior Counsel was requested to act as Mediator, for deliberating with the parties. Accordingly, Mrs.N.Krishnaveni, learned Senior Counsel had conducted Mediation and has filed a report before this Court stating that both the petitioner, as well as the seventh respondent had amicably resolved their dispute with regard to the custody of their child namely, Nadiya Sankaranarayanan, among themselves in the Mediation Proceedings held on 31.08.2023.

4. Both the petitioner, as well as the seventh respondent herein have entered into a settlement between themselves, the terms of which, have been reduced into writing in the Settlement Agreement, dated 31.08.2023, in the following manner:-



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SETTLEMENT AGREEMENT

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The **SETTLEMENT AGREEMENT** entered into on 30.08.2023 between:-

Mr.Sankaranarayanan, petitioner in H.C.P.(MD)No.583 of 2022

Mrs.Saravanaselyi, 7th respondent in H.C.P.(MD)No.583 of 2022

S.Raghavan, Petitioner in W.P.(MD)No.24733 of 2022

WHEREAS

1. Disputes and differences had arisen between the petitioner and the 7th respondent hereto in H.C.P.[MD]No.581 of 2023 and the petitioner in W.P.[MD]No.24733 of 2023 filed before the Madurai Bench of Madras High Court, Madurai-23.
2. The matter was referred to Mediation/Conciliation vide By order dated 18.08.2023 passed by **HON'BLE MR.JUSTICE M.S.RAMESH and MR.JUSTICE M.NIRMAL KUMAR** by appointing **Mrs.N.KRISHNAVENI, SENIOR ADVOCATE** as Mediator for counseling the parties to arrive at a settlement.
3. The parties agreed that **Mrs.N.KRISHNAVENI, SENIOR ADVOCATE** would act as their Mediator/Conciliator.
4. Several meetings were held during the process of Mediation/Conciliation on 21.08.2023, 23.08.2023 and 30.08.2023 and the parties have with, the assistance of the Mediator/Conciliator arrived at an amicable solution resolving the above mentioned disputes and differences.

சிரா கந்தசுரநாயகம்

[Signature]

[Signature]



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5. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator/Conciliator.
6. The following settlement has been arrived at between the parties hereto:
- The respondent/wife Mrs.Saravana Selvi, has agreed to take her daughter namely Nadiya, [Minor], to United Kingdom [U.K] and live with her till Nadiya attains majority.
 - The petitioner/husband Mr.Sankaranarayanan, has agreed to provide accommodation in one of his three houses at UK to Saravana Selvi and Nadiya for them to reside there till Nadiya attains majority.
 - In view of the settlement agreement entered into between the petitioner and the 7th respondent and as per the agreement Mrs.Saravanaselvi, has agreed to bring her daughter Minor.Nadiya, to U.K. by obliging the orders of the Hon'ble Royal Court of Justice, England and Wales. Mr.Sankaranarayanan hereby agrees to withdraw the case No.FD22P00450, by mentioning this agreement entered into between the parties, filed before the Hon'ble Madurai Bench of Madras High Court, as all matters pertaining to child custody and welfare has been settled before the

Sankaranarayanan

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Hon'ble Madurai Bench of Madras High Court.
Mr.Sankaranarayanan, shall also file copy of this agreement along with application for withdrawal of the petition before the Hon'ble Royal Court of Justice, England and Wales in case No.FD22P00450.

- d. Mr.Sankaranarayanan, is leaving to U.K. on 01.09.2023. After reaching U.K. and after making all arrangements for the accommodation of Mrs.Saravanaselvi and Minor.Nadiya, in any one of his 3 houses, and after filing a copy of this settlement agreement and withdrawing the case No.FD22P00450, he shall intimate the same to Mrs.Saravanaselvi, and shall send the Flight tickets for both to U.K. preferably before 20th September, 2023.
- e. The petitioner/husband Mr.Sankaranarayanan, has agreed to pay a sum of 1000 pounds, to Saravanaselvi, on or before 10th of every month for meeting-out the day-today expenses. The said amount of 1000 pounds, shall be transferred through online by Mr.Sankaranarayanan to the bank account, to be opened by Mrs.Saravanaselvi at United Kingdom [U.K]. On opening of such bank account the details shall be shared by Mrs.Saravanaselvi to Mr.Sankaranarayanan, through Whatsapp and email.

Don. Sankaranarayanan

Alfina

Selvi



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- f. The following expenses with respect to the house where Mrs.Saravanaselvi and her daughter are going to reside shall be borne by the petitioner Mr.Sankaranarayanan.
- [i] Electricity Bill for the house
 - [ii] Gas bill
 - [iii] Water charges/Tax
 - [iv] Council Tax
 - [v] Mortgage amount
- g. The petitioner/husband Mr.Sankaranarayanan, has agreed to pay all the expenses with regard to Transportation, Tuition fees, School Fees, Swimming Fees, Dance Fees etc., of Nadiya.
- h. The Passport of Nadiya, should be handed over to High Court of Justice, Family Division [Royal Court of Justice, Stand, WC2A2LL] in Case No.FD22P00450, in the matter of Nadiya Sankaranarayanan [A Girl] DOB 11.04.2012). As and when required it can be received from the Court by the mother Saravanaselvi and Mr.Sankaranarayanan shall express his no objection for the same.
- i. Mr.Sankaranarayanan, shall have the custody of Minor.Nadiya from Saturday evening 05.00 p.m., to Sunday evening 05.00 p.m., rest of the days Minor.Nadiya, shall be with the mother

Sankaranarayanan

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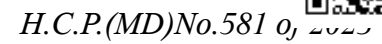
Mrs.Saravana Selvi. During all other school holidays [except summer holidays and term holidays during April/December, when they are in India], Mr.Sankaranarayanan, and Mrs.Saravana Selvi shall divide the holidays equally and both are entitled to have custody of their child during holidays. During 1st half of the holidays Mrs.Saravana Selvi shall have the custody of Minor.Nadiya and during 2nd half of holidays Mr.Sankaranarayanan shall have the custody of Minor.Nadiya. Mrs.Saravanaselvi, can also accompany with her daughter Minor.Nadiya, when Mr.Sankaranarayanan takes Minor.Nadiya, to his residence.

- j. Once in a year during annual school holidays [July, August], Saravanaselvi and her daughter Nadiya, can come to India and the petitioner/husband Sankaranarayanan shall arrange for Flight Tickets for onward and return journey. If Mrs.Saravanaselvi wants to come to India during April/December term vacation or in case of any emergency they can come to India on her own expenses. If Mrs.Saravanaselvi, after arriving to India refuses to go back to UK or stays back at India without any acceptable reason, Mr.Sankaranarayanan shall come to India and take custody of Minor.Nadiya, and take her to UK without reference to any Court order. If necessary he can take custody of Minor.Nadiya with the help of local police. Mrs.Saravana Selvi has to intimate the date

Dr. J. Jayaraman

Dr. J. Jayaraman

Dr. J. Jayaraman



k. In order to develop bonding between Minor.Nadiya, and his brother Minor.Hari, both the parties agreed that Minor.Hari has every right to visit the residence of Mrs.Saravanaselvi, and meet his mother and sister. If he wishes he can stay in that house also.

l. Both the parties agreed that they will not inflict negative thoughts in the children mind about the other parent and ensure that cordial relationship develop between mother and son and father and daughter.

m. Mrs.Saravanaselvi, is an Engineering graduate and so far she has not gone for any employment. Due to the change in circumstances she may search for any employment or may do some business and earn for her own. But this will not entitle

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Mr.Sankaranarayanan, to stop or reduce the funds and other amenities to Mrs.Saravanaselvi, which he has already agreed in earlier paragraph.

n. If any of the parties commits default in performing their part as mentioned in the above clauses, the other party is entitle to approach the court at London or India for redressing their grievances.

7. By signing this agreement the parties hereto state that they have no further claims or demands against each other with respect to H.C.P.[MD]No.581 of 2023 and W.P.[MD]No.24733 of 2023 and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of conciliation/mediation. The list of jewellery handed over by either party to other party is annexed below.

The details of jewellery handed over by
Mr.Sankaranarayanan to Mrs.Saravanaselvi

வரிசை எண்.	பொருள்	Name
1.	டாலர் செமின் (1)	Dollar Chain-1
2.	ஐஸ்வர்யா மாலை (1)	Iswaryam Malai -1
3.	கல், மாலை (1)	Stone chain -1
4.	பவத்திரம் முடிச்சு வடம்	Necklace big-2

இளச்சுவாமிநாதன்

Atu

Selvi



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5.	வளையல் 4 எண்ணம்	Bangles -4
6.	கல்லு மோதிரம் 1	Stone ring-1
7.	கல் வளையல் 2 எண்	Stone bangles-2
8.	கசை வளையல் 2 எண்	Bangle-2
9.	தங்க பிஸ்கட்-2	Gold Biscuit-2

Mrs.Saravana Selvi has handover the following jewels to Mr.Sankaranarayanan [Bracelets -2 Numbers].

Date: 31.08.2023

PARTIES' SIGNATURE

இரா.சுந்தரகுமாரன்

[Petitioner]

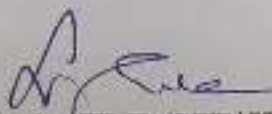
Selvi

[Respondent]

COUNSELS' SIGNATURE

[Petitioner]

[Respondent]


Petitioner in W.P.(MD)No.24733 of 2022

N. Krishnaveni
**N.KRISHNAVENI,
SENIOR ADVOCATE
MEDIATOR**



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5. The aforesaid terms are self-explanatory. Apart from resolving their dispute with regard to custody of the child, the parties have also exchanged certain articles between themselves. It is left open to the parties to resolve their other matrimonial disputes in a manner known to law.

6. In view of the amicable settlement arrived at between the parties with regard to custody of the child and exchange of certain articles, no further orders are required in the present Habeas Corpus Petition.

7. Recording the terms of the Settlement Agreement, dated 31.08.2023, this Habeas Corpus Petition stands closed.

NCC : Yes / No
Index : Yes / No
smn2

[M.S.R., J.]

[M.N.K., J.]

01.09.2023

Note:- Issue order copy on 04.09.2023

To

1. The Secretary,
Ministry of Home Affairs,
Government of India,
North Block,
New Delhi – 110 001.



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- 2.The Secretary,
Ministry of Overseas Indian Affairs,
Government of India,
Akbar Bhavan,
Chanakyapuri,
New Delhi – 110 021.
- 3.The Superintendent of Police,
Tenkasi,
Tenkasi District.
- 4.The Superintendent of Police,
Thoothukudi,
Thoothukudi District.
- 5.The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
- 6.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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H.C.P.(MD)No.581 of 2023

M.S.RAMESH, J.
and
M.NIRMAL KUMAR, J.

SMN2

ORDER MADE IN
H.C.P.(MD)No.581 of 2023

DATED : 01.09.2023