

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
HON'BLE SRI JUSTICE PULLA KARTHIK**

W.P.No.44815 OF 2022

ORDER: *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

This writ petition is filed seeking the following relief:

“to issue a writ, order or direction more particularly one in the nature of Habeas Corpus against the action of the 6th respondent in illegally detaining the petitioner's daughter Sista Vanishya, aged 7 years and subsequently direct the 6th respondent to produce the petitioner's daughter aged 7 years and set her free by declaring her illegal detention by 6th respondent as illegal, arbitrary, unconstitutional and in violation of Article 21 of the Constitution of India.”

When the matter is taken up for hearing, the 5th respondent has produced the child in question, who is aged about 7 years along with mother-6th respondent and the girl child is staying with her mother-6th respondent.

Since the child in question is staying with her mother-6th respondent, it cannot be termed as an illegal custody. Further, a perusal of the record discloses that the petitioner has already filed F.C.O.P.No.1235 of 2019 seeking

restitution of conjugal rights and the Court below has passed order on 05.05.2020 directing the 6th respondent to join the petitioner within two months. It appears that the order passed by the Court below has not been complied with. Therefore, the petitioner and the 6th respondent shall work out their remedies seeking custody of the minor child in accordance with law by approaching appropriate Court.

Accordingly, the Writ Petition is closed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

JUSTICE PULLA KARTHIK

Date: 20.02.2023

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