

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

294

CRWP 212 of 2023
Date of Decision: 10.01.2024

Nitish Mahajan ...Petitioner
Versus
State of Punjab and others ... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. G.S. Attariwala, Sr. Advocate with
Mr. Vansh Chawla, Advocate, for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

Mr. Gautam Dutt, Advocate
for respondents No. 4 and 5.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for the appointment of a warrant officer with a direction to respondents No. 2 and 3 to release the minor son of the petitioner, namely, Ayaan Mahajan aged about 7 years, from the alleged illegal custody of respondents No. 4 and 5.
2. The present case was taken up on several occasions and today during the course of hearing, learned counsel for the parties have prayed that the case may be disposed off in view of the settlement arrived at between the parties. Consequently, the present petitioner is permitted to withdraw the present petition with liberty to approach the competent Court at Patiala, i.e., the Family Court or

Guardian Court under the provisions of the Guardians and Wards Act, 1890 and the Hindu Minority and Guardianship Act, 1956. The parties shall be free to move applications regarding the interim custody or visitation rights and such interim orders passed by the competent Court will be binding on the parties. Till the interim orders are passed by the competent Court, the custody of Ayaan Mahajan, aged about 08 years shall be handed over by respondents No. 4 and 5 to the present petitioner between 10.00 a.m. to 05.00 p.m. on every Saturday. The respondents No. 4 and 5 shall hand over the custody of Ayaan Mahajan, aged about 08 years to the present petitioner at 10.00 a.m. and the petitioner shall hand over the custody of Ayaan Mahajan to respondents No. 4 and 5 at 5.00 p.m. on the same day. Till the disposal of the interim application regarding the interim custody/visitation rights by the competent Court, the present interim arrangement ordered by this Court will be in operation. For the convenience of the parties and the child, the petitioner shall be available Mobile Phone No. 8568001122 and respondents No. 4 and 5 shall be available at Mobile Phone Nos. 9878459125 and 9872217822, respectively. The petitioner shall also use e-mail id mahajan.nitish@gmail.com whereas respondents No. 4 and 5 shall use e-mail id priyanka19841234@gmail.com. Both the parties shall be free to contact each other through these mobile numbers, only for the purpose of fixing time and place and only for the effective implementation of the present order passed by this Court. Both the

parties shall keep phone numbers functional till the disposal of the interim application for interim custody/visitation rights by the competent Court.

3. The present order has been passed with the consent of the parties and shall not effect the rights of the petitioner or respondents No. 4 and 5 in any manner. The competent Court shall decide the interim application/main suit for custody/visitation rights, without getting influenced from the above observations. If any interim application is filed in the competent Court regarding the interim custody/visitation rights, as agreed above, the competent Court shall decide the said application, expeditiously, preferably within a period of 02 months of filing the said application.

4. The present petitioner is allowed to withdraw the present petition.

5. All pending applications, if any, are disposed off, accordingly.

10.01.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No