

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

234

CRWP-3209-2024
Date of decision: 24.05.2024

RICHAPetitioner

Versus

STATE OF HARYANA AND OTHERS ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

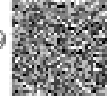
Present : Ms. Anu Garg, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG Haryana.

Mr. Sandeep Kumar, Advocate for respondents No.4 to 9.

KULDEEP TIWARI. J.(Oral)

1. On 17.05.2024, the following order was passed:-
- "On 13.5.2024, this Court had directed respondents No.8 and 9 to cause appearance alongwith the minor child, who is alleged to be in their illegal custody.*
- The petitioner, who claims herself to be the mother of the minor child, has filed the instant Habeas Corpus petition seeking the release of her 2 year old minor child. Respondent No.8, is the real brother of the present petitioner and respondent No.9, is the wife of respondent No.8.*
- They have caused appearance before this Court alongwith the minor child.*
- It is not in dispute that the petitioner is a biological mother of the minor child and, therefore, the custody of the minor child is handed over to the petitioner in the Court itself.*
- At this stage, the learned counsel for the respondents No. 4 to 9*



submits that infact the life of the minor child is under threat with the present petitioner, as she has solemnized her second marriage after the death of her previous husband.

This Court is of the view that even if the petitioner has solemnized her second marriage, after the demise of her previous husband, she has not committed any sin and being the biological mother, she has the first right over her child and she can take care of her child.

This Court has also interacted with the present husband of the petitioner, who also caused an appearance before this Court. He also ensure this Court that since he is earning Rs.15,000/- per month by doing private job, and is able to financially take care of the petitioner and her minor child. They also ensure that the compensation amount, which has been received on account of the demise of the previous husband of the present petitioner, would be utilized only for the welfare of the minor child.

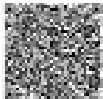
In view of the above, the Learned counsel for the respondents is directed to inform this Court on the next date of hearing, the details of compensation amount, so received by the petitioner so that an appropriate order can be passed.

Adjourned to 24.5.2024.

It is made clear that it is an interim custody of the minor child to his biological mother, however, subject to the right reserved to the private respondents to move an appropriate motion before an appropriate forum/Court for the custody of the minor child.

The presence of the petitioner and respondents No.8 and 9 is dispensed with till further orders."

2. Today learned counsel for the petitioner has placed on record two copies of the FDRs, one in the name of minor Arabh Yadav and other one in the name of present petitioner, for an amount of Rs.5,65,325/- and Rs.3,00,000/- respectively.



3. Learned counsel for the petitioner submits that they do not have any intention to mis-utilize the said amount, which was deposited in the name of her minor child, and therefore, they undertakes that they will not redeem the fixed deposit, till Arabh Yadav attains the age of majority.
4. In view of the above submissions made by learned counsel for the petitioner, no further direction is required to be passed, however, the petitioner is at liberty to utilize the amount, which was deposited in her fixed deposit.
5. So far as the visitation right is concerned, the respondent No.8 and 9, can meet the child, and can see his welfare at the place of the petitioner, on last Sunday of every month.
6. It is expected that the petitioner shall ensure that no hindrance shall be caused by respondents No.8 and 9, in exercising the visitation rights. This is purely an interim measure subject to the outcome of application (if any), filed by respondents No.8 and 9, for the custody of child before the competent Court of law.
7. In view of the above consensus order, the instant petition is ordered to be **disposed of** accordingly.

24.05.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No