

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:114550-DB



(134)

LPA-2094-2024
Decided on :03.09.2024

Varun Kumar

.....Appellant(s)

Versus

State of U.T. Chandigarh and others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Aanand Kumar Maurya, Advocate for the appellant.
Mr. Ankur Bali, Addl. P.P., U.T. Chandigarh.

G.S. Sandhawalia, J.(Oral)

1. Present letters patent appeal is directed against the order of the learned Single Judge dated 22.08.2024 passed in CRWP No.8042 of 2024 filed by the appellant, whereby the learned Single Judge has relegated the writ petitioner/appellant to his remedy for seeking the custody of the children before the appropriate Court having jurisdiction.
2. The relief claimed in the writ petition was on account of the fact that the petitioner's wife has taken the minor children from her matrimonial home to her parental home and, therefore, the learned Single Judge chose not to entertain the writ of habeas corpus.

3. We do not find any plausible reason as such to take a different view, as the children at this stage are only in the custody of their mother and if the appellant wishes to pursue his remedy, it is always open to him, as granted by the learned Single Judge. Resultantly, we do not find any ground to entertain the present letters patent appeal and same is hereby dismissed in *limine*.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

03.09.2024
Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No