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C.O. 1376 of 2026

Helena Anna Maria Lersch  
Vs.  
Suhaan Mukerji

Ms. Geeta Luthra, Sr. Adv.  
Mr. Md. Zohaib Rauf  
Mr. Aadarsh Kothari  
Mr. Rajdeep Mantha  
Mr. Aayush Sharma  
Ms. Jhanvi Desai  
..... for the petitioner

Mr. Jishnu Saha, Sr. Adv.  
Mr. Niladri Bhattacharjee  
Mr. Aditya Chaturvedi  
..... for the oppose party

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. Petitioner's grievance that the order of the learned District Judge, South 24 Parganas, under The Guardians and Wards Act, 1890, has been passed without jurisdiction and is contrary to the terms of the order of the Hon'ble High Court at Bombay in the habeas corpus writ filed by the petitioner herein.
3. The order dated April 2, 2026 has been assailed in this revisional application, which renders several directions insofar as custody of a minor child, being the biological child of the petitioner and the opposite party.

4. The principal argument of Ms. Luthra, learned senior Advocate appearing for the applicant, is that the order has been passed without jurisdiction and is also contrary to the directions of the Hon'ble High Court at Bombay, passed in a writ petition, seeking a writ of Habeas Corpus.
5. Mr. Saha, learned senior Advocate appearing for the opposite party, submits that this is a limited interim order, operational till May 5, 2026 and it does not, in any manner curtail any of the rights of the petitioner, which had been granted by the Hon'ble High Court at Bombay, nor does it make any direction contrary to the directions made by the Hon'ble High Court at Bombay.
6. Having heard the learned senior Advocates appearing for the parties, it is clear that the order of April 2, 2026 is an interim order which has been made to serve the well being of the child. The rights of the father and the mother will have to take a backseat as compared to the right of the child. However, it would also be proper for the learned court below to deliberate and decide on the issue of the jurisdiction prior to passing any further order.
7. The petitioner is granted liberty to approach the learned court below on the issue of the

jurisdiction of the learned court, which will be taken up by the court prior to May 5, 2026, if so approached by the petitioner herein.

8. With the aforestated directions, the revisional application is, thus, disposed of.

9. Since no affidavit has been called for, the allegations contained in the revisional allegation are deemed not to have been admitted.

10. There shall, however, be no order as to costs.

11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

**(Reetobroto Kumar Mitra, J.)**