

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NOS. 254-255/2020

IN

CRIMINAL APPEAL NOS. 1607-1608/2019

MANISH CHHOKAR

Appellant(s)

VERSUS

RAJYASHREE CHHOKAR & ANR.

Respondent(s)

WITH

MISCELLANEOUS APPLICATION NOS. 63-64/2021

IN

CRIMINAL APPEAL NOS. 1607-1608/2019

O R D E R

Heard learned counsel for the parties.

By order dated 21.10.2019, this Court had, *inter alia*, put a quietus to the dispute between the parties and issued directions, chiefly relating to the handing over custody of the child of the parties to the mother. It would appear that the child continues to be in the United States and custody has not been transferred to the mother. The parties have joined issue as to the reasons as to why the order could not be effectuated. What is, however, important is to take the matter forward and to facilitate handing over custody of the child to the

mother.

We have heard Mr. Prosenjeet Banerjee, learned counsel appearing for the appellant and Mr. Nalin Kohli, learned counsel for the respondents. We also allowed Shri Manish Chhokar and Smt. Rajyashree Chhokar to make their submissions.

After hearing counsel appearing for the parties and the parties appearing in person, we feel in the interest of justice, the following directions are called for:

(i) Smt. Rajyashree Chhokar will visit the United States accompanied by one companion. The expenses for the flight to the United States for both Smt. Rajyashree Chhokar and her companion will be met by Shri Manish Chhokar.

(ii) Shri Manish Chhokar will make available a sum of US \$ 5000 to Smt. Rajyashree Chhokar for the purpose of accommodation and other expenses for the period she would have to reside in the United States for the purpose of facilitating transfer of custody of the child.

(iii) The parties will file a joint application for the purpose of getting appropriate order, as is required in law, to facilitate the final order of custody in favour of the mother - Smt.

Rajyashree Chhokar in terms of the order dated 21.10.2019 passed by this Court. It is in this context residing of Smt. Rajyashree Chhokar in the United States for a period of 30 days is necessary.

(iv) Needless to say, Shri Manish Chhokar will also bear the expenses towards air fare for Rajyashree Chhokar, her companion and the child for return journey.

(v) Lastly, Shri Manish Chhokar will also bear the legal expenses for filing joint petition which is contemplated for obtaining the orders to facilitate transfer of custody from the competent court in the United States (Michigan).

As far as release of the passport and the FDR are concerned, at this stage, we are not inclined to direct the release of either. Shri Manish Chhokar - the husband may move an application in this regard after the present order is implemented and process for transfer of custody is undertaken.

Mr. Nalin Kohli, learned counsel points out on behalf of the wife that the wife should not be saddled with any liability towards child support, including the amount ordered in earlier proceedings.

Mr. Prosenjeet Banerjee, learned counsel appearing for the husband submits that the husband would not press for child support from the mother as contained in the order passed by the Court in the United States.

The miscellaneous applications are disposed of.

Pending applications, if any, stand disposed of.

.....J.
[K.M. JOSEPH]

.....J.
[A.S. BOPANNA]

NEW DELHI;
JULY 27, 2021.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No. 254-255/2020 in CrI.A. No. 1607-1608/2019

MANISH CHHOKAR

Petitioner(s)

VERSUS

RAJYASHREE CHHOKAR & ANR.

Respondent(s)

(FOR ADMISSION and IA No.12737/2020-APPROPRIATE ORDERS/DIRECTIONS
IA No. 12737/2020 - APPROPRIATE ORDERS/DIRECTIONS)

WITH

MA 63-64/2021 in CrI.A. No. 1607-1608/2019 (II)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 2548/2021)

Date : 27-07-2021 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Prosenjeet Banerjee, Adv.
Ms. Nidhi Mohan Parashar, AOR
Mr. Vikrant Kumar, Adv.
Ms. Nandita Rathi, Adv.
Ms. Prachi Dutta, Adv.

For Respondent(s) Mr. Nalin Kohli, Adv.
Mr. Ankit Roy, Adv.
Nimisha Menon, Adv.
Mr. Amarjeet Singh, AOR

Mr. Sudarshan Singh Rawat, AOR

UPON hearing the counsel the Court made the following

O R D E R

The miscellaneous applications are disposed of in terms of the signed order.

Pending application, if any, stands disposed of.

(MEENAKSHI KOHLI)
ASTT. REGISTRAR-cum-PS

(RENU KAPOOR)
BRANCH OFFICER

[Signed order is placed on the file]