

ITEM NO.46

COURT NO.12

SECTION II-B

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

Petition(s) for Special Leave to Appeal (CrI.) No(s). 8089/2019

(Arising out of impugned final judgment and order dated 13-08-2019 in WPCRL No. 275/2019 passed by the High Court Of Kerala At Ernakulam)

JOBIN THOMAS

Petitioner(s)

VERSUS

THE DISTRICT POLICE CHIEF &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.136165/2019-EXEMPTION FROM FILING O.T. )

Date : 04-11-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR  
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Pardeep Gupta, Adv.  
Mr. Parinav Gupta, Adv.  
Ms. Mansi Gupta, Adv.  
Mr. Wazir Singh Malik, Adv.  
Mr. Moazzam Ali, Adv.  
Dr. (mrs. ) Vipin Gupta, AOR

For Respondent(s) Mr. Abraham C. Mathews, Adv.  
Mr. Nishe Rajen Shonker, AOR  
Mr. Anu K. Joy, Adv.  
Mr. Alim Anvar, Adv.

Mr. A. Karthik, AOR  
Ms. Smrithi Suresh, Adv.  
Mr. Ankit Jaglan, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The habeas corpus writ petition was filed when the child was in India for a brief period during the holidays. The child normally resides with her mother in Ireland. It is brought to our

notice by the learned counsel for the grand-parents (mother's parents) that the child has gone back to Ireland and is living with her mother.

Learned counsel for the petitioner, however submits that the petitioner is anxious to safeguard the interest of the child inasmuch as according to him the child is not in safe custody. He makes certain allegations against child's mother. We cannot decide the question of facts in the writ petition. Since the child is with the mother, it can be said that the child is in the legal custody. If the petitioner wants any further order in respect of the child it is open for the petitioner to take legal recourse as available to him in law.

The special leave petition stands disposed of accordingly.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI THAKUR)  
COURT MASTER (SH)

(R.S. NARAYANAN)  
COURT MASTER (NSH)