

ITEM NO.21

COURT NO.7

SECTION II

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). 2235/2019

(Arising out of impugned final judgment and order dated 06-12-2018 in Haheas Corpus No. 14611/2018 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

VAISHNAVI RAJ LAKSHMI SINGH (MINOR)
THROUGH HER MOTHER MRS SADHVI SINGH & ANR. Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS. Respondent(s)

(FOR ADMISSION and Interim Relief and
IA No.38626/2019-EXEMP.FROM FILING O.T. and
IA No.38624/2019-PERM.TO FILE ADDL. DOCUMENTS/FACTS/ANNEXURES)

Date : 02-04-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s) Ms. Sumedha Dang, Adv.
Mr. Tushar Singh, AOR

For Respondent(s) Mr. Ashish Dholakia, Adv
Mr. P. S. Sudheer, AOR
Mr. Gautam Bajaj, Adv.
Mr. Rishi Maheshwari, Adv.
Ms. Anne Mathew, Adv.
Mr. Bharat Sood, Adv.
Ms. Shruti Jose, Adv.

Ms. Swarupama Chaturvedi, Adv.
Ms. Charu Singhal, Adv.

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

This special leave petition arises out of order dated 6th December, 2018 passed by the High Court of Judicature of Allahabad, Lucknow Bench, in Habeas Corpus No.14611 of 2018.

Contd...2/-

Today when the matter was called for hearing at 1.45 p.m. in the Chamber, we have spoken to the parents individually. We have also spoken to the children individually.

In our view, it cannot be said to be a case of illegal detention by the father so as to interfere with the impugned order passed by the High Court, in the habeas corpus petition filed by the mother.

Accordingly, the special leave petition is disposed of granting liberty to the petitioner-mother, Sadhvi Singh, to file an appropriate petition before the concerned court for custody of the children. As and when such petition for custody of children is filed the same shall be decided expeditiously preferably within four months from the date of filing the petition without being influenced by any of the views observed by the High Court or by this Court.

The petitioner is also at liberty to file necessary application for interim custody. As and when such an application for interim custody of the children is filed before the concerned court, the same also shall be considered on its own merits.

The parties are directed to cooperate for speedy disposal of the children custody petition, avoiding unnecessary adjournments.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)
COURT MASTER

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER