

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT
HYDERABAD

-
HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

-
WRIT PETITION No. 17983 OF 2015

Date: 30.06.2015

Between:

Shabana Yasmeen.

... Petitioner

And

The State of Telangana, rep., by its Principal Secretary,
Home Department,
Hyderabad & others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT**

WRIT PETITION No. 17983 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This Habeas Corpus petition is filed by the petitioner – mother seeking production of her child, Mohd. Afraaz Ahmed, who, according to her, is illegally detained by respondent No.5.

It appears that in view of the order, dated 08.04.2015, passed by this Court in F.C.A.No.373 of 2013, father was allowed overnight access for a period of nine days in summer vacation i.e., for the period from 23.05.2015 to 31.05.2015. Even after expiry of this period, he did not handover child to the petitioner. The child is produced before us. He is hardly eleven years old. We interacted with him alone in the chamber.

We are informed by the child that respondent No.5 had taken him to Delhi and though he was not inclined to stay with him after 8-10 days, he forced him to stay at Delhi. We are further informed that he was asking respondent No.5 to send him to the petitioner, but he did not. The child has categorically told us that he would like to stay with his mother i.e., the petitioner. We find the behavior of respondent No.5, not handing over the child on expiry of the nine days, absolutely irresponsible. Since we are not dealing with the question of custody or overnight access, we are not making further observations. It is open to the parties to approach the appropriate forum for modification of the earlier direction, if they so desire.

We are allowing this petition as prayed. The child is handed over to the petitioner-mother in the Court, and she is allowed to take him with her.

Miscellaneous petitions, if any, stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT,

J

Date: 30.06.2015
ES