
(2021) 01 KL CK 0003

In the High Court Of Kerala

Case No : Writ Petition (Crl) No. 250 Of 2020

Maresh Sugathan

APPELLANT

Vs

Sub Inspector Of Police And Ors

RESPONDENT

Date of Decision : 04-01-2021

Acts Referred:

Citation : (2021) 01 KL CK 0003

Hon'ble Judges : K. Vinod Chandran, J;M.R. Anitha, J

Bench : Division Bench

Advocate : Phijo Pradeesh Philip, P.V. Anoop, M.P. Priyeshkumar, K.V. Sreeraj, V. Ajakumar, Sidharth A. Menon, Vasil T.K

Judgement

K. Vinod Chandran, J

1. The petitioner seeks production of his child who is said to be with the 5th and 6th respondents. The fifth and sixth respondents are the maternal grandparents of the child. The mother is no more, having expired in September, 2020. Admittedly, there were proceedings pending before the Family Court even prior to the death of the mother - the wife of the petitioner. O.P.No.2982/2019 is an original petition filed for divorce by the wife of the petitioner. The petitioner is said to have filed O.P.No.2983/2019 for permanent custody of the child.

2. Presumably, the custody of the child was with the mother and there is also said to be an arrangement between the mother and the father for interim custody. These are all matters which could be agitated before the Family Court.

3. As of now, since the mother is no more, the maternal grandparents have not been impleaded before the Family Court. It is for the petitioner to seek impleadment of the maternal grandparents and file an application for production of the child, interim custody or such other reliefs as he may deem fit. We leave that remedy open and do not find any illegal detention of the child who is with the maternal grandparents. We hence dismiss the writ petition leaving open the remedy before the Family Court.