
(2011) 05 KL CK 0094

In the High Court Of Kerala

Case No : Writ Petition (Criminal) No. 241 of 2011

V. Chandran

APPELLANT

Vs

Superintendent of Police and Others

RESPONDENT

Date of Decision : 25-05-2011

Acts Referred:

Citation : (2011) 05 KL CK 0094

Hon'ble Judges : M.L. Joseph Francis, J;K.M. Joseph, J

Bench : Division Bench

Advocate : T.M. Sunil, for the Appellant; Binoy Vasudevan, for the Respondent

Judgement

K.M. Joseph, J.—The Writ Petition is filed with the following prayer:

Issue a writ of Habeas Corpus or any other appropriate order or direction directing the Respondents to have the person or body of Petitioners minor grand children Dia & Lakshan to be produced before this Honourable court and to set her at liberty and into the lawful guardianship and custody of the Petitioner

2. The Petitioner is the paternal grandfather of the two minor children mentioned in the prayer above. They are the children born to Petitioner's son Sajith and the 5th Respondent, who is the daughter of 3rd and 4th Respondents. There is no dispute that the disputes between the Petitioner's son and the 5th Respondent reached the Family Court, Palakkad and following an agreement between the parties (Ext.P1), Ext.P2 judgment was passed. The agreement inter alia provided for custody of the children being given to the Respondent in O.P.248/2008 on the file of the Family Court, Palakkad. The Petitioners in Ext.P2 are the Petitioner herein, his wife and their son and the Respondent is the 5th Respondent herein. The 5th Respondent was permitted to retain the custody of the children. The custody of the children was ordered to be given to the Petitioner therein on every second Saturday and the following Sunday. The Petitioner therein was also given custody of the children during every vacation to the extent of one half of the vacation inter alia.

3. It is essentially complaining violation of Ext.P2 that the Petitioner has approached this Court. It is his case that they are not aware of the whereabouts of the minor children. A counter affidavit is filed by the 5th Respondent.

4. Today, the Petitioner, his wife and the 5th Respondent were present before us. We interacted with them. We also interacted with the two minor children, who are the subject matter of this Writ Petition.

5. It is submitted by the 5th Respondent that the school will re-open on 6.6.2011. She says that she has no objection in the custody of the children being given to the Petitioner and his wife till 4.6.2011. In such circumstances, we dispose of the Writ Petition as follows:

The 5th Respondent shall hand over custody of the minor children in question, today, to the Petitioner and his wife, who are present, and they can keep the custody of the children till 4.6.2011. On 4.6.2011, they will hand back custody of the minor children to the 5th Respondent in the Family Court, Palakkad at 11 a.m.