

SUPREME COURT OF INDIA

Anita Yadav

Vs.

Manas Roy

Crl.A.Nos.1010-1011 of 2009

(Altamas Kabir and Cyriac Joseph JJ.)

12.05.2009

ORDER

Leave granted.

These appeals are directed against the orders dated 16 th July, 2007 and 17th September, 2007 passed by the Delhi High Court in Writ Petition(Crl.)651/2007, which was a Habeas Corpus petition. Pursuant to notice served on the father of the appellant herein, the appellant appeared before the High Court in the Habeas Corpus proceedings and personally informed the court that she was not willing to go back to the respondent No.1 herein and that she wished to stay with her parents.

At that point of time, the parties in the Habeas Corpus petition were served and there was no further reason to continue to proceed with the writ petition. However, despite the above, the High Court on 17th September, 2007 directed the father of the appellant to be present along with the appellant before the court on certain allegations made by the respondent No.1 herein that she was married to him.

We fail to understand how in a Habeas Corpus petition, such a direction could have been given since the appellant had already appeared and had made her preference known and had also filed an affidavit in which the case of the appellant was supported.

In that view of the matter, the appeals are allowed and the impugned orders of the High Court are set aside.