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WP-19510-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

&

HON'BLE SHRI JUSTICE DEEPAK KHOT

ON THE 8th OF JUNE, 2026WRIT PETITION No. 19510 of 2026*SMT. SUSHEELA RAWAT**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri. Aditya Goyal - Advocate for the petitioner.

Shri Aditya Garg - GA for the State.

Shri Pawan Sharma, - Advocate for the respondent [R-7].
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ORDER

Per. Justice Gurpal Singh Ahluwalia

This writ petition in the nature of habeas-corpus has been filed for the custody of a minor child namely Master Ayansh Dawar, who according to the petitioner is in the custody of her husband- Keram Singh Dawar.

It is submitted by counsel for the petitioner that in the light of judgment passed by the Supreme Court in the case of *Vivek Kumar Chaturvedi and another Vs. State of U.P. and others* reported in (2025) 4 SCC 342 as well as the judgment passed by the High Court of Madhya Pradesh in the case of *Sourabh Malpani Vs. State of M.P.* reported in 2025 SCC Online MP 7122 and other cases, a writ petition in the nature of habeas corpus is maintainable for the purposes of welfare of child. It is submitted that husband of the petitioner is present in the Court along with the child.



Counsel for respondent no.7/husband of the petitioner submitted that the petitioner herself had left her matrimonial house after leaving the child, however, he did not address on the question, as to how the custody of the child with his mother will be detrimental to his interest. It is further submitted that the petitioner as well as the respondent no.7 are working as Constable in Police Station. It is submitted that respondent no.7 attends his official duties after leaving his child with his mother i.e. the grandmother of the child.

When the child was brought to the Court, then it was noticed that the child was adamant to go to the lap of his mother, but respondent no.7 was trying to divert the attention of the child. Not only the child is aged about 3 years and requires the love and affection of his mother, but it was also clear from the conduct of the child that he was interested in going to the lap of his mother.

Under these circumstances, this Court is of the considered opinion that it is for the welfare of the child that he should stay with his mother. Accordingly, the custody of the child is given to the petitioner. The custody was actually handed over by respondent no.7 to the petitioner in the Court itself. Accordingly, it is held that unless and until any order is passed by a Competent Court under any provision of law, the custody of the child will continue with his mother/petitioner.

With the aforesaid observation, the petition is finally disposed of.

CC as per rules.

(G. S. AHLUWALIA)
V. JUDGE

(DEEPAK KHOT)
V. JUDGE