

ITEM NO.49 Court 1 (Video Conferencing) SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s).5079/2021

(Arising out of impugned final judgment and order dated 24-03-2021
in WP No.681/2020 passed by the High Court of Judicature at Bombay)

DELNA KHAMBATTA (THROUGH POWER OF ATTORNEY
HOLDER RUZAN KHAMBATTA) Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS. Respondent(s)

Date : 27-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. Sidharth Luthra, Sr. Adv.
Ms. Aishwarya Reddy, Adv.
Ms. Supriya Juneja, AOR
Mr. Aditya Singla, Adv.
Ms. Shubhangni Jain, Adv.
Ms. A. Sahitya Veena, Adv.

For Respondent(s) Mr. Siddharth Bhatnagar, Sr. Adv.
Mr. Mac Bodhanwalla, Adv.
Mr. Debmalya C. Bajerjee, Adv.
Mr. Rohan Sharma, Adv.
Mr. Kartik Bhatnagar, Adv.
Mr. Sheroy Bodhanwalla, Adv.
Mr. Ujjwal Singh, Adv.
Mr. Nicholas Choudhury, Adv.
Mr. Anmol, Adv.
Ms. Sakshi Sharma, Adv.
For M/s.Karanjawala & Co., AOR

Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Court is convened through Video Conferencing.

Vide order dated 17.01.2022, the daughters of the petitioner and respondent No.3 were directed to appear before us on 19.01.2022 through virtual mode.

On 19.01.2022, due to connectivity issue, the Court could not properly interact with the daughters and directed to list the matter on 27.01.2022, which is accordingly listed today.

Heard learned senior counsel appearing on behalf of the parties and also interacted with the daughters of the petitioner and respondent No.3.

Taking into consideration the fact that the scope in a writ petition seeking writ of habeas corpus is very limited and taking note of the consideration made by the High Court, we are not inclined to interfere with the impugned order passed by the High Court dismissing the writ petition filed by the petitioner herein. The counsel for the petitioner stated that the month and year during which the daughters came to India is August, 2019 and not as recorded in para 21 of the impugned order. The impugned order of the High Court is modified to that extent.

Further, taking into consideration the facts and circumstances of the instant case, we grant liberty to the parties to avail the remedies available to them in accordance with law before an appropriate court.

We make it clear that we have not expressed any opinion on the merits of the case and the same shall be decided by the competent court uninfluenced by any of the observations made by the High Court or this Court.

The SLP is, accordingly, disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(R.S. NARAYANAN)
COURT MASTER (NSH)