

ITEM NO.47

COURT NO.5

SECTION II-C

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 (Crl.) No. 14633/2023

(Arising out of impugned final judgment and order dated 04-11-2023 in CRWP No. 13/2023 passed by the High Court Of Himachal Pradesh At Shimla)

RITA DWIVEDI

Petitioner(s)

VERSUS

THE STATE OF HIMACHAL PRADESH &amp; ORS.

Respondent(s)

(IA No.233489/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.233491/2023-EXEMPTION FROM FILING O.T. )

Date : 12-02-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Ms. Divya Roy, AOR  
Ms. Deveshi Mishra, Adv.  
Ms. Sneha Masani, Adv.  
Mr. Sanjay Mishra, Adv.

For Respondent(s) Mr. Harshit Khanduja, Adv.  
Mr. Umang Mehta, Adv.  
Mr. B. K. Satija, AOR

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

The controversy involved in this petition involves three sisters. The petitioner brought the Habeas Corpus petition before the High Court of Punjab and Haryana at Chandigarh seeking production of corpus of respondent No. 9, 'Vibha Dwivedi'. The complaint of the petitioner is that the fourth respondent, 'Smt. Archana Sharma' along with her

husband, 'Sh. Sachinder Sharma'(respondent No.5) had illegally detained respondent No. 9 and taken her to Canada. There is no legal right of an elder sister to exercise guardianship over her sister except when there is an order from a Court of competent jurisdiction.

In such circumstances, we do not think the writ petition seeking relief in the nature of Habeas Corpus was a proper proceeding for the grievance of the petitioner. The petitioner shall be at liberty to apply before the appropriate Court seeking Guardianship, if the facts so warrant.

We do not find any reason to interfere with the judgment of the High Court impugned in this petition.

The present petition is, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of.

(SNEHA DAS)  
SENIOR PERSONAL ASSISTANT

(VIDYA NEGI)  
ASSISTANT REGISTRAR