

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (HABEAS CORPUS) NO. 9350 of
2026**

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PATNI BHARATBHAI GOVINDBHAI

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MS. BHAVNA D ACHARYA(6406) for the Applicant(s) No. 1

JUCKY LUCKY CHAN(8033) for the Respondent(s) No. 3,4

MS SHRUTI PATHAK, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN

and

**HONOURABLE MR. JUSTICE UTKARSH THAKORBHAI
DESAI****Date : 28/07/2026****ORAL ORDER****(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)**

Captioned writ petition is filed with a request, seeking direction to the respondents to produce the corpus – the minor son as named in the prayer clause.

2. After issuance of the notice, the bench has interacted with the petitioner on one hand and the respondent nos.3 and 4 on the other, who happen to be the grandparents on maternal side. This Court having interacted, could gather that there were trivial issues raised or prevailing and therefore, the Court was of the opinion that those issues can be thrashed out if the parties sit together. At one point of time, it was agreed between the parties that the petitioner shall take the custody of the child on weekends in the morning and will drop at the grandparents home in the evening. The

arrangement was also agreed to continue even on Sundays.

3. On 07.07.2026, this Court has passed the following order:-

“Ms.Bhavna Acharya, learned Advocate has made submissions along the lines of the averments made in the application. It is submitted that the petitioner-father is deprived of his son inasmuch as, the respondent nos. 3 and 4- grandparents have illegally kept the custody of the corpus. It is submitted that they are not giving the custody of the child to the father and hence, the captioned petition.

2. Advance copy was served upon the office of the learned Public Prosecutor. Mr.Utkarsh Sharma, learned Additional public Prosecutor has informed this Court that respondent nos. 3 and 4 together with the corpus are present. Hence, the matter was taken up in chamber.

3. This Court has interacted with the parties and it appears that the issue is trivial and it can be resolved. Hence, till the next date of hearing it will be in the interest of all the parties that the father shall have the custody of the child on Saturday and Sunday from morning to evening or till the time the child is comfortable. To be precise, the petitioner shall take the custody of the child on Saturday in the morning around 10:00 a.m. and drop the child at the grandparent's house in the evening between 5:00-6:00 p.m. The same arrangement to continue on Sunday as well. Needless to clarify that this arrangement should be subject to the corpus being comfortable with the father.

4. Mr. Jucky Lucky Chan, learned Advocate states that he has received instructions to appear on behalf of respondent nos. 3 and 4 and he shall take appropriate instructions by the next date of hearing.

5. List the matter on 16.07.2026.”

Followed was the order dated 16.07.2026, which reads thus:-

“Apropos the order of this Court dated 07.07.2026, the custody of the corpus was with the petitioner for limited days and duration. We have been informed that the corpus was comfortable staying with the petitioner. The following arrangement recorded in paragraph 3 of the order dated 07.07.2026, be continued till the next date of hearing.

“3. To be precise, the petitioner shall take the custody of the child on Saturday in the morning around 10:00 a.m. and drop the child at the grandparent's house in the evening between 5:00-6:00 p.m. The same arrangement to continue on Sunday as well. Needless to clarify

that this arrangement should be subject to the corpus being comfortable with the father.”

2. List the matter on 28.07.2026.”

4. Today, the petitioner, the corpus, so also the grandparents, are present. The corpus is accompanied by his maternal aunt – Champaben and it appears that the child is very close to her. The petitioner has also agreed, without prejudice to his rights and contentions, that he be allowed the custody of the child on weekends, holidays and during festivals and whenever the petitioner wishes to. The petitioner and the respondent have agreed that the petitioner can have the custody on above days, preferably from morning to evening and if the child is comfortable staying during night hours, the petitioner shall retain it during night hours.

5. In view of the above and the parties having agreed to the aforesaid arrangement, Ms Bhavna D. Acharya, learned advocate for the petitioner, does not press the captioned writ petition at this stage, reserving a liberty to take out appropriate proceedings before appropriate forum in accordance with law.

6. The petition, is disposed of with the aforesaid liberty. No order as to costs.

(SANGEETA K. VISHEN,J)

(UTKARSH THAKORBHAI DESAI, J)

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