

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Habeas Corpus Petition No. 73/2026

Manish Kumar Tailor S/o Devi Lal, Aged About 34 Years, Resident
Of Sanwar Fateh Nagar, District-Udaipur, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Ministry
Of Home Affairs, Rajasthan, Jaipur.
2. The Superintendent Of Police, Udaipur.
3. The Station House Officer of Police Station Fateh Nagar,
District Udaipur.
4. Vijay Kumar Chipa Alias Toni S/o Suresh, Resident Of
Chipa Mohalla, Laxmipura, Mandalgarh, District Bhilwara
Presently residing At Bijli Vibhag Road, Ward No.3, Asind,
District- Bhilwara.
5. Nitin Chipa S/o Suresh, Resident Of Chipa Mohalla,
Laxmipura, Mandalgarh, District Bhilwara.
6. Manju Devi S/o Kailash Chandra Chipa, Resident Of Bijli
Vibhag Road, Ward No.3, Asind, District- Bhilwara.

-----Respondents

For Petitioner(s)	:	Mr. Kalpatru Tripathi
For Respondent(s)	:	Mr. Deepak Choudhary, GA cum AAG Mr. Shankar Singh Sahay, S.I., Fatehnagar, Dist. Udaipur

**HON'BLE MS. JUSTICE REKHA BORANA
HON'BLE MR. JUSTICE YOGENDRA KUMAR PUROHIT**

Order

26/02/2026

1. The present habeas corpus petition has been filed by the
petitioner husband with an averment that his wife and two minor
daughters are under illegal detention of respondent Nos.4 to 6.
2. Corpus Mst. 'S' (wife) has been produced before the Court.

3. She submits that she is not willing to accompany her husband. She further insists that the custody of both her minor daughters would remain with her and she would not hand over their custody to the father.

4. Learned counsel for the petitioner as well as the petitioner (present in person) submit that the examinations of the elder daughter are due and if the custody of the child is not handed over to him, she would be deprived of appearing in the examinations.

5. The corpus however insists that the custody of both the minor daughters would not be handed over by her.

6. This Court conversed with both the parents as well as the elder daughter in chamber. The inclination of the daughter was very clear and specific to go with her father. When given the option to go with the mother, the child literally started crying.

7. Keeping into consideration the above facts and specifically the fact that the elder daughter has to appear in the examinations, for the present, it would be appropriate that the custody of the elder daughter be handed over to the father.

8. In view of the overall facts, the corpus being a major, is at liberty to move as per her choice. She therefore be made free.

9. So far as the younger daughter aged two years is concerned, her custody would remain with the mother, keeping into consideration her tender age. The custody of the elder daughter for present, would remain with the father to ensure that she takes the examinations.

10. The present Habeas Corpus petition stands **disposed of** with the above directions.

11. Needless to observe that the mother would be at liberty to take appropriate recourse before the appropriate forum for custody of her elder daughter, if she so desires.

12. Pending applications, if any, stand **disposed of**.

(YOGENDRA KUMAR PUROHIT),J

(REKHA BORANA),J

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