

listed on 19th July, 2011, when the said matter was dismissed as having become infructuous, along with two other petitions, which were dismissed on the ground of jurisdiction.

2. On 9th August, 2011, an application was filed by Indubala @ Zubeda, being D.B.Civil Misc.Appln.No.228 of 2011, which was taken up for consideration along with D.BC.Appln.No.246 of 2011, on 26th August, 2011. The said applications were taken up for consideration and orders were passed indicating that, although, Smt.Indubala @ Zubeda, was an adult girl, keeping in view the rival claims made by both sides, it was in interest of her safety to keep her in a place of safety. Accordingly, a direction was given that the applicant, Indubala @ Zubeda, be transferred to the Nari Niketan at Udaipur, Rajasthan, and she was given liberty to file an application before the High Court and to also intimate as to whether she required any legal assistance, which she would like to have in respect of the proceedings on such application. The matter was, therefore, directed to be listed on 12th September, 2011. The matter was so listed on the said date, when the statement of Smt. Indubala @

Zubeda was recorded by the High Court.

3. We are informed that the said matter is listed tomorrow for consideration before the High Court.

4. The present Special Leave Petition, as indicated hereinabove, has been filed by Shri Ajmat Ali, against the interim order which was passed on

the said application.

5. Mr. Jaspal Singh, learned senior advocate, who has appeared in support of the Special Leave Petition, has drawn our attention to a letter written by Indubala @ Zubeda to the Addl. District Magistrate, Jaipur(South), on 19th August, 2011, requesting that she be released from the Nari Niketan, Jaipur. The said letter was acted upon by the Rajya Mahila Sadan, which addressed a letter to the Additional Collector and Addl. District Magistrate, City South Jaipur on 19th August, 2011, indicating that Indubala @ Zubeda would to leave the Mahila Sadan.

6. Pursuant to our directions, Indubala @ Zubeda has been produced before us in Court from the Nari Niketan, Udaipur, not by the Superintendent, as we had directed, but by an Inspector of Police, on the directions of the Superintendent of Police, Udaipur.

7. In open Court, we asked Indubala @ Zubeda, to indicate what she desired and as to whether she wished to remain in the Nari Niketan. In open

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Court, she has expressed her desire to be allowed to leave the Nari Niketan and that she no longer wanted to stay there.

8. We are fully aware that the matter is listed for consideration of the High Court tomorrow and that Indubala @ Zubeda has also given a statement before the Court. We have also been given the background of the case by learned counsel appearing for Ajmat Ali, the father of Indubala @ Zubeda and one Bhavesh Patidar, to whom Indubala @ Zubeda was allegedly married prior to her association with the special leave petitioner. Those are matters which are pending before the other courts and with which

we have no intention of making any observations or adjudication in this Court, in these proceedings.

9. Accordingly, we see no reason to pass any orders, as such, on the Special Leave Petition which is, accordingly, disposed of and the points urged

here may be taken before the High Court. But

having regard to the intention expressed by Indubala

@ Zubeda, who admittedly, is an adult today and a major, we are of the view that she cannot be kept in

the Nari Niketan any further against her wishes.

Accordingly, we direct that she be allowed to go to

any place of her choice from the Court itself. The

Police Inspector, who has accompanied her from the

Nari Niketan at Udaipur, shall report back to the

Superintendent of Police and the Superintendent of

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the Nari Niketan, accordingly.

10. The Special Leave Petition is disposed of accordingly. We also make it clear that whatever

we have stated in this order, shall not in any way influence any of the pending proceedings before any of the other court or any of the proceedings in future, which may be filed.

11. The parties will be at liberty to raise all the objections raised here in such proceedings.

12. In view of the order passed above, no orders are required to be passed on the application for impleadment as party respondent.

13. The Registry is also directed to communicate this order to the Superintendent of the Nari Niketan at Udaipur, Rajasthan, by 18th

November, 2011.

(Sheetal Dhingra) (Juginder Kaur)
COURT MASTER Assistant Registrar