

ITEM NO.4

COURT NO.7

SECTION XI

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

I.A. NOS. 5 AND 6  
IN  
CIVIL APPEAL NO(s). 8306 OF 2010

JAINAB KHATOON @ TAHIRA

Appellant (s)

VERSUS

ABDUL AHAD

Respondent(s)

(With appln(s) for directions, exemption from filing O.T., early hearing and office report)

Date: 28/03/2012

These I.As/Appeal were called  
on for hearing today in Chambers.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM  
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s)

Md. Rashid Saeed, Adv.  
Mr. Irshad Ahmad, Adv.  
Mr. Abhishek R., Adv.

For Respondent(s)

Mr. Anis Ahmed Khan, Adv.  
Mr. Shoaib Ahmad Khan, Adv.

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

As stated by Mr. Anis Ahmad Khan, advocate yesterday, the boy, Anisur Rehman, is brought to Court along with his paternal grandmother, who is very old, and his cousin, whose name is Abdul Wadood.

The boy's mother (the petitioner in the special leave petition) is also present along with her two elder sons, who, in terms of the interim order passed by this Court, continued to remain in her custody.

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We had a long engagement with the child-Anisur Rehman, who is a young boy about 11-13 years of age, his mother and his other two brothers and his cousin Abdul Wadood, with whom he has come to the Court (the paternal grandmother is too old and she had come without her hearing-aid. It was, therefore, not possible to have any

kind of interaction with her).

About three weeks ago, Anisur Rehman left his mother with whom he was living in the house of his maternal grandparents and went to his Bua. After the matter was reported to the police he came to Okhla, New Delhi, where he is now living with his paternal grandmother, and his Bari Amman (wife of the elder brother of his father) and his step-mother, the second wife of his father. On being asked, he said that he was unhappy with the way he was treated by his maternal grandfather and therefore, he had left the house. He also said that he

was very happy living with his paternal grandmother, aunt and his step mother and he did not want to go back to his mother or his maternal grandparents.

On being persuaded by us, however, he agreed to go back to his mother on the assurance that as soon as his father comes we will take up the matter of his custody and finally decide the matter in the presence of both his parents.

We, accordingly, pass the following order :-

From the Court the child Anisur Rehman shall go  
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along with Abdul Wadood, who has brought him to the Court, and for the evening and the night he will stay at Okhla along with his paternal grandmother, his aunt and his step mother. In the morning the aforesaid Abdul Wadood, shall take him to his mother, who is also presently staying in Delhi and hand him over to the custody of his mother.

It will be open to Mr. Anis Ahmed Khan, advocate, to mention the case as soon as the respondent, Abdul Ahad, the father of Anisur Rehman is able to come to India for getting the matter listed and for passing appropriate final/interim orders.

I.A. Nos. 5 and 6 of 2012 stand disposed of.

(Neetu Khajuria)  
Sr.P.A.

(Sneh Bala Mehra)  
Court Master