

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.3222 OF 2011
[Arising out of SLP(C) No.28231 of 2009]

BHANWARI DEVI @ BHONRI DEVI & ANR.

... Appellant(s)

Versus

SECR., DEPTT.OF HOME AFFAIRS, GOVT. SECTT., JAIPUR & ... Respondent(s)
ORS.

O R D E R

Leave granted.

2. We had issued notice on the limited point as to whether the cost of Rs.30,000/- imposed on the appellants by the High Court was justified upon dismissal of the appellants' Habeas Corpus Petition.

3. Having heard learned counsel for the respective parties and also having perused the impugned judgment and the final order of the High Court, we are of the view that a woman's anxiety to trace out her husband even if he is declared dead on the ground that he had not been seen for

seven years, should not have been met with such a harsh condition.

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4. Accordingly, we allow the appeal to the extent that cost of Rs.30,000/- imposed by the High Court, is hereby set aside.

5. The appeal is allowed in the above terms.

.....J.
(ALTAMAS KABIR)

.....J.
(CYRIAC JOSEPH)

NEW DELHI;
April 11, 2011.



JUDGMENT