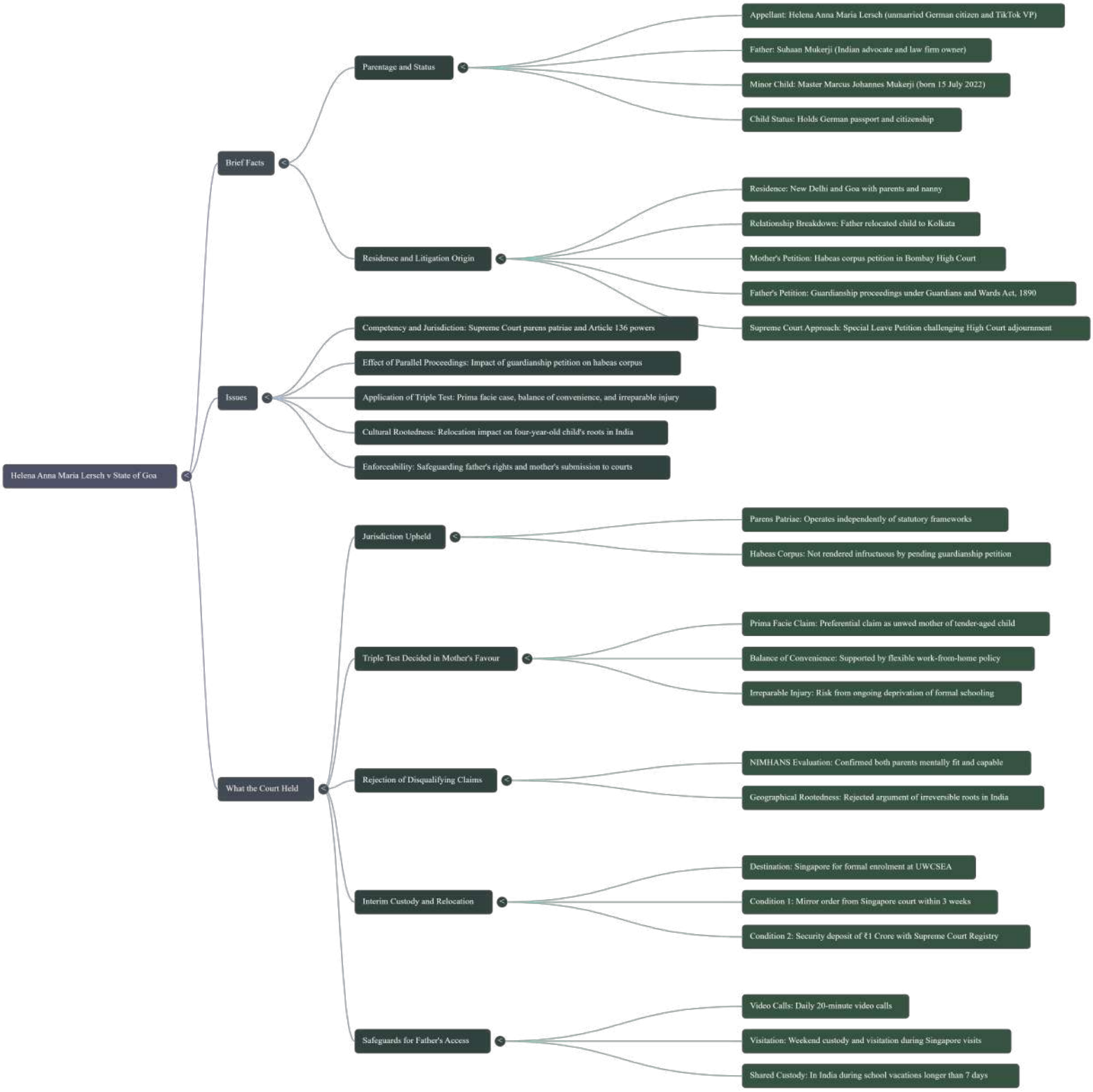

Helena Anna Maria Lersch v State of Goa
Brief Facts
Parentage and Status
Appellant: Helena Anna Maria Lersch (unmarried German citizen and TikTok VP)
Father: Suhaan Mukerji (Indian advocate and law firm owner)
Minor Child: Master Marcus Johannes Mukerji (born 15 July 2022)
Child Status: Holds German passport and citizenship
Residence and Litigation Origin
Residence: New Delhi and Goa with parents and nanny
Relationship Breakdown: Father relocated child to Kolkata
Mother's Petition: Habeas corpus petition in Bombay High Court
Father's Petition: Guardianship proceedings under Guardians and Wards Act, 1890
Supreme Court Approach: Special Leave Petition challenging High Court adjournment
Issues
Competency and Jurisdiction: Supreme Court parens patriae and Article 136 powers
Effect of Parallel Proceedings: Impact of guardianship petition on habeas corpus
Application of Triple Test: Prima facie case, balance of convenience, and irreparable injury
Cultural Rootedness: Relocation impact on four-year-old child's roots in India
Enforceability: Safeguarding father's rights and mother's submission to courts
What the Court Held
Jurisdiction Upheld
Parens Patriae: Operates independently of statutory frameworks
Habeas Corpus: Not rendered infructuous by pending guardianship petition
Triple Test Decided in Mother's Favour
Prima Facie Claim: Preferential claim as unwed mother of tender-aged child
Balance of Convenience: Supported by flexible work-from-home policy
Irreparable Injury: Risk from ongoing deprivation of formal schooling
Rejection of Disqualifying Claims
NIMHANS Evaluation: Confirmed both parents mentally fit and capable
Geographical Rootedness: Rejected argument of irreversible roots in India
Interim Custody and Relocation
Destination: Singapore for formal enrolment at UWCSEA
Condition 1: Mirror order from Singapore court within 3 weeks
Condition 2: Security deposit of ₹1 Crore with Supreme Court Registry
Safeguards for Father's Access
Video Calls: Daily 20-minute video calls
Visitation: Weekend custody and visitation during Singapore visits
Shared Custody: In India during school vacations longer than 7 days