

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D23551
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_____AD3d_____

Argued - May 11, 2009

PETER B. SKELOS, J.P.
FRED T. SANTUCCI
ARIEL E. BELEN
CHERYL E. CHAMBERS, JJ.

2008-10431

DECISION & ORDER

The People, etc., ex rel. Gorav Gupta, appellant,
v Sunaina Gupta, respondent.

(Index No. 201912/08)

Richard Creditor LLC, Forest Hills, N.Y. (Susan R. Nudelman of counsel), for appellant.

Sanjay Chaubey, New York, N.Y., for respondent.

In a habeas corpus proceeding pursuant to Domestic Relations Law § 70, the father appeals from a judgment of the Supreme Court, Nassau County (Marber, J.), dated October 14, 2008, which, in effect, denied the petition and dismissed the proceeding.

ORDERED that the judgment is affirmed, without costs or disbursements.

The Supreme Court properly exercised jurisdiction in this matter (*see* Domestic Relations Law §§ 76, 76-g[4]; *Vanneck v Vanneck*, 49 NY2d 602, 609-610; *Persaud v Persaud*, 293 AD2d 480).

The father contends that his habeas corpus petition (*see* Domestic Relations Law § 70) should have been granted based on an award of custody he obtained in Sriganganagar, Rajasthan, India. An order of an Indian court in a matter over which that court properly exercised its jurisdiction is entitled to the same recognition as an order from any state of the United States (*see* Domestic Relations Law § 75-d). Here, however, since the Indian court did not have jurisdiction over the matter, the Supreme Court was not required to enforce the resulting order (*see* Domestic Relations

June 16, 2009

Page 1.

PEOPLE EX REL. GUPTA v GUPTA

Law §§ 76-e[1], 77-b[1]; *Matter of Wilber v Buelow*, 136 AD2d 786; *cf. Matter of Calvo v Herring*, 51 AD3d 916). The father's petition was therefore properly denied.

SKELOS, J.P., SANTUCCI, BELEN and CHAMBERS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style with a large initial "J".

James Edward Pelzer
Clerk of the Court