

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9646 OF 2014

Satyaveer Singh

... Petitioner

Vs.

Kavita Singh

... Respondent

Mr. Satyavir Singh, petitioner appearing in person.

None for the respondent.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE : **JULY 23, 2015**

P.C.:

This Writ Petition is filed challenging the order dated 30th July, 2012 in P.D. No. 52 of 2011. The petitioner/party-in-person is directed to point out the order which he is challenging. He submitted that the Trial court has stayed the custody petition on the ground that he did not pay maintenance under section 125 of the Criminal Procedure Code. He submitted that because of stay, his access to child is closed and therefore, the Court be directed to expedite the hearing of custody petition. The order passed by the learned Judge of the Family Court is erroneous, as he is not getting custody of the child.

2. Perused the order passed by the learned Judge of the Family Court on 30th July, 2012 which is at page nos. 33 and 34 of the petition. So also perused the other orders placed herewith. It appears from the order of the

learned Judge of Family Court and other orders that the petitioner has moved an application for custody and access of his son Monish, who is in custody of his wife and one son Mehul is with the petitioner. The Court has passed the order under section 125 of the Cr. P.C. in ER/384/2011 directing the petitioner to pay maintenance to the respondent/wife and child. However, he refused to pay maintenance and insisted that first his custody petition is to be decided by the Court. The learned Judge has rightly directed the petitioner to pay maintenance and unless and until he pays the maintenance to the respondent/wife, the Court has rightly stayed the petition and refused his Application to expedite the petition. No illegality is found in the order. Hence the petition is dismissed.

(MRS.MRIDULA BHATKAR, J.)