

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

APPEAL AGAINST ORDER NO.5/2015

Raju @ Yunus s/o Ahmed Punjani

..Versus..

Mohd. Imran Isani s/o Noor Mohd. Isani

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 28.1.2015

Heard Shri S.H. Shahid, the learned advocate for the appellant
and Shri F.T. Mirza, the learned advocate for the respondent.

Admit.

Shri Mirza, the learned advocate, waives notice for the
respondent.

CIVIL APPLICATION (C.A.A.) NO.3/2015.

The applicant/appellant has pleaded in paragraph no.3 of the

application that his mother, paternal aunt and wife of his brother are residing with him.

The learned advocate for the non-applicant/respondent has submitted that the mother of the appellant is not residing with him and she has filed G. & W. Petition No.15/2014 praying for declaration that she is the guardian of the minor girl. Shri Mirza, the learned advocate has pointed out from the cross-examination of the applicant/appellant (page no.81 of the paper book) his admission that the appellant is residing at Dongaon and his mother and father are residing at Leni. On the basis of this material, it is submitted that the applicant/appellant and his mother are misleading the Court.

Be that as it may, the minor girl had been in custody of the applicant/appellant since 1st September, 2012 and *prima facie* I find that female members including mother of the applicant/appellant, who is the maternal grand-mother of the minor girl, are living with the applicant/appellant. In these facts, the interim order passed by this Court on 9th January, 2015 is continued. The civil application is

allowed.

The respondent is granted liberty to file appropriate application
praying for visitation rights, if so advised.

JUDGE

Tambaskar.