

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5994 OF 2016

Sainath Shankar Jagtap	...	Petitioner
Vs.		
Rushiketh Narayan Rathode & Ors.	...	Respondents

Mr. N.S. Kendre, Advocate for the petitioner.		

CORAM : SUNIL P. DESHMUKH, J.
DATE : 13-06-2016.

Per Court :

1. Heard learned counsel for the petitioner. Aggrieved by the order dated 12-04-2016 passed by the trial court whereunder the application exhibit-44 in Regular Civil Suit No. 343 of 2014 has been allowed, the petitioner is before this court.

2. Perusal of the impugned order shows that the trial court has taken into account the relevant aspects and that in settlement, after allegations against the father of the child, a piece of one acre had been given in the name of child and precisely in respect of that very property the suit has been instituted by the father seeking declaration and injunction.

3. The trial court has referred to various aspects involved in the matter and particularly that the child is not in the custody of

father. The trial court also appears to have considered that father has not approached the court with clean hands. The trial court has rightly considered that it is the welfare of the minor which be given the paramount consideration. The child appears to be residing with grand parents and taking education at Sangvi, where the grand parents are residing.

4. In the circumstances, the application has been granted on facts as well as in law. The order does not appear to be good enough to be interfered with. In the circumstances, the writ petition is not being entertained and is rejected.

(SUNIL P. DESHMUKH)
JUDGE