

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 92 OF 2016

SMT. GAYATRI @ GAITRY GIRISH
MAHALE.

... Petitioner

Versus

MR. GIRISH N. MAHALE AND ANR.

... Respondent

Adv. Ravi Gawas for the Petitioner.

Coram:- C. V. BHADANG, J.

Date:- 12th July, 2016

P.C.:

Heard the learned counsel for the petitioner for some time. The order challenged here is dated 5/7/2016 passed by the learned Addl. Sessions Judge, Mapusa, in Criminal Appeal No.85/2016 by which the Appellate Court has granted ad interim stay to the order dated 2/7/2016 passed by the learned Magistrate in the proceedings under the Protection of Women from Domestic Violence Act 2005. By the said order, the learned Magistrate had directed the custody of the minor girl child to be given to the petitioner. A perusal of the order passed by the learned Magistrate shows that it was based on a reply filed by the respondent herein, wherein he had expressed no objection for handing over the custody of the child to the petitioner. However, in appeal, the respondent made certain allegations against his counsel saying that his signatures were obtained on a blank paper. The Appellate Court considering the circumstances had granted ad

interim stay and notice is made returnable on 26/7/2016.

2. Considering the fact that the order challenged is only an ad interim order, I am not inclined to entertain the petition, as the petitioner would be entitled to raise all the contentions as may be available to her in law before the Appellate Court. At this stage, the learned counsel for the petitioner states that the hearing of the stay application and the appeal may be expedited. Considering the fact that the matter involves the issue about the custody of the minor child, the Appellate Court shall decide the application for stay within a period of one week from the returnable date i.e. 26/7/2016. The Appellate Court shall also decide the appeal as expeditiously as possible and preferably within a period of one month from the receipt of this order. Needless to mention that this Court has not expressed any opinion on the merits of the rival contentions. Subject to this, the petition is rejected.

C. V. BHADANG, J.

ap/-