

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1716 OF 2016**

Vishwas Chandrakant Jadhav

...Petitioner

VS.

The State of Maharashtra & Ors.

...Respondents

...

Mr.Keshav Borhade, Advocate for the petitioner.

Mrs. M. M. Deshmukh, APP for the State.

Mr. S. P. Shethe , Advocate for respondent Nos.3 & 4.

...

**CORAM : NARESH H. PATIL &
PRAKASH DEU NAIK, JJ.**

JUNE 15, 2016.

P.C. :

. Mr. Borhade, learned counsel for the petitioner submits that the petitioner had filed Marriage Petition No.95/2015 u/s.13(b) of Hindu Marriage Act 1955 in the court of Civil Judge, Senior Division, Thane. He submits that the petitioner is the biological father of the child viz., Sara and that the custody of Sara ought to have been with the petitioner. He further submits that respondent No.3 has remarried with respondent No.4. The learned counsel for the petitioner submits that the petitioner has secured admission of his daughter in a school situated at Vashi area. Respondent is resident of Parel area, Mumbai. Therefore, in the interest of the child it is necessary to handover custody of the child to the petitioner in accordance with the Settlement Deed executed between the parties.

2. Mr. Shethe, Learned counsel for respondent No.3 submits that respondent No.3 would take necessary steps to leave the child at the school and pick her up from the school, which is situated in Vashi area. Learned counsel for the petitioner, on instructions, submits that the access to the child be provided to the petitioner on Saturday and Sunday of every week between the specified time.

3. As regards issue of custody we find it appropriate that the petitioner approaches the family Court. If the petitioner approaches the Family Court, we direct the Family Court to expeditiously deal with the issue on its own merits.

ORDER

i) The daughter of the petitioner viz., Sara shall be dropped at the residence of the petitioner at 10.00 a.m. on every Saturday and her custody be taken on the next day i.e. Sunday at about 6.00 p.m. by respondent No.3.

4. Writ Petition is accordingly disposed of.

(PRAKASH DEU NAIK, J.)

(NARESH H. PATIL, J.)