

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.7868 OF 2016
ALONGWITH
CIVIL APPLICATION NO.3079 OF 2016**

Aneesha Dutt

..Petitioner

Versus

Ashu Dutt

..Respondent

**Mr. A. Y. Sakhare, Senior Advocate a/w Mr. Santosh Paul, Mr. Akash Rebello, Mr. Joel Carlos i/by Karan K. Vyas for the Petitioner.
Mr. Zaid Ansari i/by Mrs. Taubon F. Irani for the Respondent.**

CORAM : R. M. SAVANT, J.

DATE : 14th DECEMBER, 2016

PC.

1 The writ jurisdiction of this Court is invoked for seeking the following reliefs :-

“(a) pass Writ, order or direction directing the family Court to decide the Custody Petition separately within a period of 3 months from the date of the order of the Hon'ble High Court; and/or

(b) issue Writ order or direction directing the family Court to expeditiously trial here and adjudicate Custody Petition bearing No.D-90/2012 in the Family Court, Mumbai, Custody Petition bearing No.D-87/2012; Divorce Petition bearing No.A-2177/2012 Petition for decree of nullity; and/or

(c) direct the family Court to pass orders on the various applications filed by the Petitioner including the application

for restoration of custody in terms of the orders of the Hon'ble High Court of Bombay in Criminal Writ Petition No.2330 of 2012; and/or”

2 The Custody Petition as well as the Divorce Petition are of the year 2012. The Family Court, Mumbai may be seized with many other matters which may be predating the Custody Petition and the Divorce Petition between the Petitioner and the Respondent abovenamed. The proceedings between the Petitioner and the Respondent cannot be given precedence. Hence, at this stage, it is not possible to accede to the request made by the Petitioner for expediting the hearing of the Custody Petition and the same to be decided within three months as sought vide prayer clause (a), or grant the relief sought vide prayer clause (b). In so far as the applications filed by the parties are concerned, the Family Court may decide the same as per it's convenience and if the applications warrant an expeditious disposal, the Family Court may do so. With the direction as aforesaid, the Writ Petition is dismissed.

3 In view of the direction as above given whilst dismissing the above Writ Petition, the above Civil Application does not survive and to accordingly stand disposed of as such.

[R.M.SAVANT, J]