

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4146 OF 2016
IN
FIRST APPEAL (STAMP) NO.25875 OF 2016

Shama Khalil Chaugale <i>alias</i> Meera Thakur	 Applicant
V/s.	
Khalil Kamaruddin Chaugale	 Respondent

Mr. Chanchal Choudhary a/w. Mr. Ambrish Choudhary, for the Applicant.

Mr. Chetan Aloji for the Respondent.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 22ND SEPTEMBER 2016.

P.C. :

1. Heard learned counsel for the parties.
2. The instant First Appeal is preferred against the impugned Judgment and Order dated 30th April 2016 passed by the District Judge, Thane in Miscellaneous Application No.114 of 2005. By the said order, the Trial Court has directed custody of the child to be handed over to the respondent. It is admitted fact that the child is of the age of 14 years and studying in the Boarding School at Panchgani.
3. In view thereof, at this stage, if the stay is not granted to the impugned order of handing over custody of the child, his education will be

essentially disturbed and jeopardized and hence the impugned Judgment and Order of the Trial Court is stayed until further orders or decision of the First Appeal, whichever is earlier.

4. Learned counsel for the respondent makes the request of expediting hearing of the First Appeal itself, considering the fact that the child is already 14 years of age and the respondent is not having custody of the child even for a single day till today and the access was also denied on some occasions, though granted by the Court.

5. In view thereof, considering the subject matter of the First Appeal, hearing of First Appeal (Stamp) No.25875 of 2016 is expedited.

6. Both the parties are directed to file compilation of documents and private paper-book, at the earliest, within a period of three months from today. Thereafter, Registry to place the First Appeal (Stamp) No.25875 of 2016 for final hearing as per C.M.I.S. date.

7. Civil Application is disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]