

Amk

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

WRIT PETITION NO. 6904 OF 2017

Yuvraj Kisan Pawar	.. Petitioner
Vs.	
Snehal Yuvraj Pawar	.. Respondent

Mr. Prashant Mohan Patil for the Petitioner.
Ms. Manisha Jagtap i/b Bharat J. More for the Respondent.

CORAM : A. S. GADKARI, J.
DATE : 18th AUGUST, 2017.

P. C. :

1. By the present petition under Article 227 of the Constitution of India, the petitioner/husband has impugned the order dated 03.06.2017 passed below Exhibit 5 in P. A. No. 603/2017 by the Family Court No.1, Pune, directing the petitioner to hand over temporary custody of son-Rudransh to the respondent/wife on 05.06.2017.

2. This Court by an order dated 27.06.2017 had granted ad-interim relief in favour of petitioner and issued notice to respondent.

The petition was heard on earlier three occasions by this Court and this Court had expressed prima-facie opinion that, taking into consideration the tender age of the child, the respondent deserves his custody during the pendency and final hearing of the main application i.e. P.A. No. 603/2017 pending before the Trial Court. That after hearing the learned counsel for the respective parties and perusing the entire record,

when this Court was not inclined to grant any relief and was in fact also not inclined to continue with the ad-interim relief dated 27.06.2017, the learned counsel for the petitioner on 16.08.2017 had sought time to take instructions from the petitioner, for withdrawal of the present petition and handing over the custody of minor child namely Rudransh to the respondent.

3. The learned counsel for the petitioner today on instructions, seeks leave to withdraw the petition. He further submitted that, as a matter of fact, in view of the opinion expressed by this Court, the petitioner on 17.08.2017 through a mediator, tried to hand over custody of his son Rudransh to the respondent/wife, however, she insisted that, the custody of son, be handed over before the Court. In view thereof, the petitioner is directed to hand over custody of son Master Rudransh to the respondent-wife on 19.08.2017 at 3.00 p.m. before the Family Court No.1, Pune.

4. In view of the above, the petitioner is permitted to withdraw the petition. It is needless to mention that the impugned order dated 03.06.2017 will remain in operation during the pendency and final hearing of P.A. No. 603 o 2017 filed by respondent/wife and the Family Court may pass appropriate orders at the conclusion of proceedings.

5. The present order is passed in presence of the learned counsel for the respective parties and it is made abundantly clear that the petitioner shall not insist for either ordinary or authenticated copy of the present order while handing over the possession of son Master Rudransh

to the respondent/wife tomorrow at 3.00 p.m. before the Family Court No.1, Pune. The learned counsel for the petitioner, on instructions, submitted that the petitioner undertakes that he will hand over the custody of son Master Rudransh to respondent/wife as recorded hereinabove. The said undertaking is accepted as undertaking given to this Court.

6. The petition is disposed off in the aforestated terms.

[A. S. GADKARI, J.]