

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

48 WRIT PETITION NO. 14532 OF 2017

DEEPMALA PRAVIN PATIL
VERSUS
NARAYAN BHAVAJI PATIL AND OTHERS

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Advocate for Petitioner : Mr. Mandlik Pratap P.
Advocate for Respondent Nos.1 & 2 : Mr. S. B. Chavan

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CORAM : V. K. JADHAV, J.
DATED : 12th MARCH, 2018

PER COURT:-

1. Heard finally with consent at admission stage.
2. The petitioner has filed an application bearing Civil Misc. Application No.91 of 2016 seeking custody of her minor son Om against the parents of her deceased husband (respondent nos.1 and 2 herein). Her son Om is presently in custody of the respondents. During pendency of Civil Misc. Application No.91 of 2016, the petitioner has filed an application exhibit 5 for interim custody of her minor son Om. Though the court below

has rejected the said application, permitted the petitioner herein to meet her minor son Om on each Sunday during 01.00 p.m. to 6.00 p.m. in the premises of school of the minor. It has also been ordered that the present petitioner is entitled to take the minor son Om out of hostel but not out of the premises of school during that period in order to talk with him with consent of the school authority. It has also been directed that the petitioner, after visit is over, should take back the minor son Om in hostel of the school at 6.00 p.m. without any fault on her part.

3. At the time of passing of the said order by learned District Judge below exhibit 5, minor Om was taking education in the school at Nawapur, District Nandurbar and thereafter shifted to respondent no.5-school. In order to give effect to the said order passed below exhibit 5, this Court has directed respondent no.5 herein to obey the orders of the learned District Judge. There is no dispute that now respondent no.5 is obeying the orders passed by the Court.

4. During pendency of Civil Misc. Application No.91 of 2016, the petitioner herein has again filed an application exhibit 54

praying therein for temporary custody of her minor son Om during summer, Dipawali and winter vacations for certain period. By order dated 13.10.2017, learned District Judge-1, Dhule has rejected the said application exhibit 54. By way of this Writ Petition, the petitioner has challenged the said order passed below exhibit 54. So far as the order passed below exhibit 5 is concerned, the same is not under dispute now.

5. This Writ Petition can be disposed of by directing learned District Judge-1, Dhule to dispose of Civil Misc. Application No.91 of 2016 expeditiously. Learned counsel appearing for the respondents has also no objection if such directions are given to the learned District Judge for expeditious disposal of the case.

6. The learned District Judge-1, Dhule, shall dispose of Civil Misc. Application No. 91 of 2016 on or before 27.04.2018 positively, without getting prejudiced by the orders passed below exhibits 5 and 54. The parties shall co-operate the court below for expeditious disposal of the case. The Writ Petition is accordingly disposed of.

7. Till the Civil Misc. Application No.91 of 2016 is disposed of by the court below as directed, the effect of the order passed by this Court dated 22.12.2017 would remain unaffected.

(V. K. JADHAV, J.)

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