

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 4 OF 2018

Vikas Vinod Talwar

...Petitioner

Versus

Janvi Talwar @ Jenvie Peter Williams

...Respondent

Mrs.Taubon F.Irani, for the Petitioner.

Mrs.Ashok Yadav, for the Respondent.

CORAM : G.S.KULKARNI, J.***DATE : 11th JANUARY, 2018***

P.C. :

1. Heard the learned Counsel for the parties. The petitioner-husband is before the Court in this petition under Articles 226 and 227 of the Constitution, in making following prayers:-

“a) That this Hon'ble Court be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or direction calling for the records and proceedings in the Misc. Application No.171 of 2015 pending in the Hon'ble Family Court and after going through the legality, validity and propriety thereof, be pleased to quash/modify and/or set aside the impugned order dated 13/11/2017 (Hereto annexed and marked as Exhibit “D”);

b) That this Hon'ble Court be pleased to direct the Ld.Family Court to expedite the hearing and decide the applications/petition within 3 months from the date of

passing of this order;

c) This Hon'ble Court may be pleased to direct the Respondent to produce the child before this Hon'ble Court;

d) This Hon'ble Court may be pleased to direct the Respondent to hand over custody to the Petitioner;

e) Interim and ad-interim relief in terms of prayer (c) & (d);

f) This Hon'ble Court may be pleased to pass stern strictures against the Respondent as a precedent for erring litigants;

g) For costs;

h) For such further and other reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. Having heard the learned Counsel for the parties and having considered the nature of the order dated 13 November 2017 passed by the learned Judge, Family Court at Bombay, learned Counsel for the petitioner submits that the petitioner undertakes to file a claim affidavit within one week from today. Statement is accepted.

3. It is the anxiety of both the parties that the Petition No.MA-171 of 2015 be disposed of as early as possible. I am also pointed out the order passed by this Court dated 4 January 2017 in Writ Petition Stamp No.35344 of 2016 wherein this Court in paragraph 7 has observed that

the parties can approach the family Court for expeditious hearing of Miscellaneous MP No.150 of 2015 and Misc.Application No.171 of 2015.

4. Considering the peculiar facts and circumstances of the case, it is in the interest of justice that the Miscellaneous application which is pending before the Family Court be decided expeditiously. The learned Judge, Family Court shall endeavour to decide the application/petition as early as possible and in any event within a period of four months from today. The parties undertake to co-operate with each other in disposal of the proceedings before the Family Court. If any of the parties remain absent when the proceedings are listed, it would be open to the Family Court to pass appropriate orders, even imposing compensatory costs.

5. All contentions of the parties on merits of the matter are expressly kept open. Parties to approach the family Court on 18 January 2018.

6. Writ Petition is disposed of in the above terms. No costs.

(G.S.KULKARNI, J.)