

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

13 WRIT PETITION NO.8865 OF 2018

SHAIKH JAVED SHAIKH GULAM  
VERSUS  
ASIYABEGUM SHAIKH JAVED

...  
Advocate for Petitioner : Mr. Bolkar Yogesh B  
Advocate for Respondent: Mr. Ravi Mhaske h/f Mr. Shaikh  
Kayyum  
...

**CORAM : V. K. JADHAV, J.**  
**DATED : 16<sup>th</sup> DECEMBER, 2019**

**PER COURT :-**

1. This writ petition can be disposed of for the reason that the petitioner - husband has claimed the custody of his son and daughter from respondent - wife. Learned counsel for the petitioner, on instructions, submits that the son of the petitioner has now attained the majority. So far as the petitioner's daughter is concerned, she at present is 16 years of age. It appears from the order passed by the Court below and annexures to this petition that the son and daughter of the petitioner are residing with respondent - wife since 2007. Hence, at this stage, it may not be appropriate to interfere in the order passed by the Court below about the custody of children.

2. Learned counsel for the petitioner, on instructions, submits that the petitioner at present is only interested in the way that the respondent – wife should not make any haste to perform the marriage of the daughter before she attains the age of understanding/majority.

3. Learned counsel for the respondent - wife, on instructions, submits that the respondent – wife would not make any haste in performing the marriage of her daughter and she would perform the marriage of her daughter only after she attains the age of understanding and if possible after she attains the age of 21 years.

4. It appears that the petitioner – husband used to sell Gur (Papad) by going door to door and in that way, his earning is very meager. Furthermore, the respondent – wife is also not financially well. Respondent – wife is still unmarried. Under these circumstances, it may also difficult for her to pull on the family with the meager earning whatever she is having. However, at present, her son is major and she would be able to pull on the family.

5. In view of this, if the respondent – wife undertakes to perform the marriage of her daughter after she attains the age of understanding, that would suffice the purpose and in that way, the petitioner also would be satisfied.

6. Learned counsel for the petitioner submits that the petitioner who is present in person also accepts the same. Learned counsel for the petitioner, on instructions, also submits that there is no possibility of co-habitation again.

7. With these observations, this writ petition is disposed of.

8. Needless to say that, the order passed by the court below stands confirmed.

**(V. K. JADHAV, J.)**

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