

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

901 CONT. PETITION NO.791 OF 2018  
IN WP/14532/2017  
WITH  
CA/6369/2019 IN CP/791/2018

DEEPMALA PRAVIN PATIL  
VERSUS  
NARAYAN BHAVAJI PATIL AND OTHERS

...  
Advocate for Petitioner : Mr. Mandlik Pratap P.  
Resp Nos.1 And 2 are present.

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**CORAM : P.R. BORA, J.**  
**DATED : 6<sup>th</sup> June, 2019.**

**PER COURT:-**

1. When the present petition is taken up for hearing, Respondent Nos. 1 and 2 are present before the court along with child Om.

2. The record of the case shows that since the respondents did not obey the orders passed by this court, notice of contempt was issued and in spite of service of said notice, since the respondents did not appear before this court, bailable warrant was issued against the respondents and only thereafter the respondents have caused their appearance before this court.

3. The material on record shows that mother

of the present child Om, i.e. present petitioner, has filed an application before the District court at Dhule, seeking custody of the child by name Om Pravin Patil. The record further shows that interim application was filed by the petitioner, seeking custody of her son Om during pendency of the said proceeding before the District Court. The record further shows that the learned District Judge though did not accept the request so made by the petitioner, passed an order providing visitation rights to her. The record further shows that the mother was permitted to go to the school where the child was taking his education on Sunday and to remain with the child during the period between 1.00 p.m. to 6.00 p.m. The record further shows that for initial period, the arrangement continued to be smooth, however, subsequently the school was changed of the child and no information was provided to the petitioner as to in which school the child was admitted thereafter. The record further shows that the petitioner, in the circumstances, made a request before this court seeking directions against the respondents to provide the information as to in which school the

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child is now admitted and is taking education. It is the further matter of record that no such information was provided by the respondents and in the circumstances, the contempt proceeding were required to be initiated against them. It is further the matter of record that subsequently the said school was also changed.

4. In the meanwhile, writ petition No. 14532/2017 was filed by the present petitioner and the school in which the child was admitted, was added as party and principal of the said school was directed to facilitate the visits of the child with the petitioner mother. The said writ petition was disposed of by this court with a direction to the District Court to decide the custody application on or before 27<sup>th</sup> April, 2018. Admittedly, the petition is still pending and has not been decided in the given period. In the meanwhile, the aforesaid events had occurred, giving rise for contempt proceedings and now the contempt petition is for hearing before this Court.

5. The respondents were initially

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represented by a counsel. It appears that subsequently, they decided to take papers back from the said counsel and accordingly, now the said counsel is not appearing for the respondents.

6. When the petition was taken up for hearing today, I prefer to hear Respondent No.1 viz. Narayan Bhavaji Patil and I also heard the child Om. I need not to go in the details of the facts as are stated by both of them, which contain certain allegations against the petitioner. Learned counsel appearing for the petitioner has disputed all those contentions. At this juncture only, it is to be clarified that I am not considering the allegations made by Respondent No.1 as well as the child; that exercise has to be done by the District Court. However, what is noticed after having heard the learned counsel appearing for the petitioner and Respondent No.1 in person, that custody application needs to be disposed of within the time bound manner and in the meanwhile, the order which was passed by the District Court, providing visitation rights to the petitioner and which has not been challenged in any

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other court or if challenged, the said challenge was ultimately withdrawn, has to be given effect to. In the circumstances, following order is passed, -

ORDER

i. The District Court, Dhule is directed to hear and decide the custody application, i.e. Civil Misc. Application No. 91/2016 within a period of eight weeks from the date of this order;

ii. The parties are directed to appear before the District Court, Dhule on 15<sup>th</sup> June, 2019 at 11.00 a.m.;

iii. The respondents are directed to keep child Om present with them.

iv. The parties are further directed to remain present without fail on the dates, which may be given by the District Court so that the Custody application can be decided within the time stipulated by this Court.

v. The District Court, Dhule is further

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directed to make suitable arrangement for meeting of the petitioner with child Om in the premises of the court, more particularly in the room meant for conducting the matters of children;

vi. The District Court is further directed to depute one of its officer to remain present at the time when the petitioner will meet child Om in the said premises.

vii. It is further directed that the petitioner shall alone meet child Om and no one shall accompany her at that time.

viii. The period of visit shall be from 2.00 p.m. to 5.00 p.m. Needless to state that the District Court shall take the Misc. Civil Application for hearing before 2.00 p.m., i.e. in 1<sup>st</sup> session.

ix. It is further directed that if the District Court is required to give further dates in the matter, the same shall be necessarily on 1<sup>st</sup> or 3<sup>rd</sup> Saturdays, so that the child can remain present

in the court.

x. The respondents are directed not to accompany the child at the time of visit between the petitioner and child Om;

xi. Principal of Pravara Central Public School, Pravaranagar, Tq. Rahata, District Ahmednagar, is requested to allow child Om, who is taking education in the said school, to remain absent for few Saturdays for the early and timely decision of the custody matter pertaining to said child.

xii. The respondents shall not change the school of child Om till the custody matter before the District Court is decided;

xiii. In the event or in compelling circumstances, if the school is changed of child Om, even then, the respondents have undertaken to keep child Om present before the Court on every dates which may be given in the custody matter.

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xiv. Copy of this order be forwarded to Principal, Pravara Central Public School, Pravaranagar, Tq. Rahata, District Ahmednagar, to act upon.

xv. The contempt petition stands disposed of in the aforesaid terms. Pending civil application, if any, stands disposed of.

. Parties to act on authenticated copy of this order.

**(P.R. BORA)**  
**JUDGE**

BDV