

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

905 WRIT PETITION NO.13611 OF 2018

NITIN RAMESH GARAJKAR	... Petitioner
VERSUS	
THE STATE OF MAHARASHTRA	
AND ANOTHER	... Respondents

...
Advocate for Petitioner : Party-in-Person.
AGP for Respondent No.1 – State : Shri S.G. Karlekar
Advocate for Respondent No.2 : Shri N.T. Tribhuwan
Advocate for Respondent No.3 : Shri V.B. Kulkarni
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**CORAM : S.V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

Dated: November 13, 2019

PER COURT :-

1. We have heard the petitioner party-in-person and the learned advocate for respondent no.2.

2. The dispute amongst the parties is of matrimonial nature. Multifarious reliefs are claimed in the present writ petition. The dispute between the parties is pending before the Family Court at Aurangabad. It appears that, the petitioner has filed various applications.

3. The gravamen of the petitioner's contention is that, the

wife is not adhering to the order passed by the Family Court *qua* the visitation rights of the present petitioner. The wife is not bringing the child and for that purpose the petitioner has filed an application (Exh.17) under Order-39 Rule-11 of the Code of Criminal Procedure and also Contempt.

4. The grievance of the petitioner is that, the contempt application is not decided by the Court though it is pending since long time.

5. We have called for the report of the learned Presiding Officer.

6. The learned Presiding Officer has filed the report suggesting that the petitioner herein has filed five contempt applications bearing Exhs. 70, 81, 102, 104 and 107. The cross of the respondent-wife commenced before one year and is completed on 06.08.2019. The respondent-wife has closed her evidence and now the matter is kept for evidence of the husband. It was kept on 11.09.2019.

7. It is submitted by the petitioner and the respondent that,

now the next date fixed is 21.12.2019 and on the said date, the petitioner shall adduce the evidence.

8. Mr. Tribhuwan, the learned advocate for respondent no.2 submits that on 21.12.2019 the wife would keep the child present in the Court. According to him, the child is 16 years of age and is not ready to come to the Court. However, the wife would keep the child present in the Court on 21.12.2019. Whereas the contention of the petitioner is that, the wife is intentionally not bringing the child with a view to break the emotional ties of the petitioner with the child.

9. It is not in dispute that the petitioner has been given visitation right and till said order is in force, the wife is bound to comply the same.

10. It is also expected of the parties to co-operate with the Court in expeditious disposal of the proceedings. Instead of deciding the applications piecemeal, it will be in the interest of parties to decide the proceedings itself expeditiously so that the rights of the parties would stand crystallized.

11. The Presiding Officer of the Family Court shall endeavour to decide Exh.70 expeditiously and shall also endeavour to decide main proceedings as early as possible. Of course the parties shall also co-operate in expeditious disposal of the proceedings.

12. With these observations, the petition stands disposed of.

[AVINASH G. GHAROTE]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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Later on :

13. In the morning session, we have heard the matter and dictated the order. We have kept the matter back only for the purpose of confirming as to whether the report was submitted earlier pursuant to our order. It appears that, the learned Judge of the Family Court had submitted the report, but it was not in a proper format. Thereafter, we passed an order to submit it in a proper format. It appears that, the status report which was called pursuant to the earlier order was not found in the file when the order was passed on 30.07.2019. However, the Registry points out that, the same was a matter of record but as the same was not in a proper format and the cause list was only annexed, it was observed that, the

status report is not in the file.

14. We have gone through the file. Considering the above, no further orders are required to be passed apart from the order we have passed in the morning session.

15. Writ Petition stands disposed of.

[AVINASH G. GHAROTE]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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