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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION No. 1278 OF 2019

Shweta Ronak Rathod ... Petitioner
Vs.
The State of Maharashtra & Ors. ... Respondents

Mr. A. R. Maurya i/b Sharad Rai, for the Petitioner.
Mr. H. J. Dedhia, APP for the Respondent No. 1 – State.
Mr. Santosh Thakur i/b K. M. Jena, for Respondent Nos. 2 to 4.
Mr. Umaji Ganpat Kadam, PSI, Goregaon Police Station.

**CORAM : INDRAJIT MAHANTY, &
A. M. BADAR, JJ.**

**DATE : APRIL 15, 2019
(In chamber at 2.45 p.m.)**

PC :

1. We have heard the learned counsel appearing for the parties. The Petitioner Shweta Rathod by this petition is alleging that her son Mst. Vaibhav Hemant Rathod is in unlawful custody of her husband (Respondent No. 2). From the pleadings in the writ petition, we find that Respondent No. 2 has already initiated a proceedings, being Petition No. A – 451 of 2019, before the Family Court at Bandra, Mumbai, in which amongst various other prayers, he has also made a prayer for custody of the child.

2. After hearing the learned counsel for the respective parties, we are of the considered view that the ends of justice would be best sub-served, if the Petitioner files an application seeking interim custody of the child in the Family Court, and in that event we direct the Family Court, Bandra to take up the matter immediately and dispose of such an application after hearing both sides, on merits and in accordance with law, at an early date, preferably within 15 days from the date of filing such an application by the Petitioner.

3. We are informed by the learned counsel appearing for Respondent Nos. 2 to 4 that the proceeding initiated by the Respondent No. 2 is fixed on 22nd April, 2019. Consequently, copy of interim application seeking custody of the child be served thereafter on the counsel appearing for the Respondent No. 2 – husband. The Family Court, Bandra is directed to proceed with the issue as directed in the earlier paragraph. We make it clear that nothing stated in this order shall prejudice the either parties in the proceeding before the Family Court. With this observation / direction, the writ petition stands disposed of.

Sd/-
[A. M. BADAR, J.]

Sd/-
[INDRAJIT MAHANTY, J.]

Vinayak Halemath