

Sonali Patil

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1714 OF 2019
WITH
CRIMINAL APPLICATION NO. 319 OF 2019**

Miraaj Oberai	
(earlier known as Hemal Vora)	..Petitioner
v.	
Mrs. Dhruti Hemal Vora	..Respondent

Mr. Miraaj Oberai, Petitioner in person.
Mr. Aarif Ali M. Ali for the Respondent No.1.
Mrs. S. V. Sonawane APP for the State.

**CORAM : INDRAJIT MAHANTY &
 N.B.SURYAWANSHI, JJ.**

DATE : 9th SEPTEMBER, 2019.

P.C.

- 1] Heard the learned counsel for the respective parties.

- 2] This writ of Habeas Corpus has been filed by the petitioner Miraaj Oberoi (earlier known as Hemal Vora) inter alia alleging that illegal and unlawful custody of his son Aarya by his respondent-wife viz. Mrs. Dhruti Hemal Vora. Since this Writ of habeas corpus was moved by the petitioner

in person notice was issued in the matter. The respondent appeared alongwith son namely Aarya. By order dated 16th August, 2019 the petitioner was allowed access to meet the child at the resident of respondent on 17th and 18th August, 2019 between specific time. Admittedly, the petitioner and respondent have complied with the order and petitioner met their child.

3] Learned counsel for the respondent submits that the learned 7th Family Court, Mumbai in Petition No. D-11/2018 by order dated 20th December, 2018 directed the petitioner herein to pay maintenance as well as the same Court in Petition A- 1351/2016 directed the petitioner herein to pay interim maintenance.

4] Learned counsel appearing for the respondent/wife submits that challenging the order passed in Petition No. D-11/2018 permitting visitation rights/limited access, respondent has challenged the said order before this Court in Writ Petition (ST) No. 2320/2019 and matter has remained pending before the assigned bench. It is also submitted that the petitioner herein has filed Writ Petition (ST) No. 2649/2019 seeking to challenge the said order and apart from the said case, petitioner also filed Contempt Petition (ST) No. 18785/2018 as well as Contempt Petition (ST) No. 457/2019.

5] In the light of the aforesaid facts, since parties to the proceeding are seeking to challenge the common order

passed by the Family Court directing payment of maintenance as well as right of access and interim custody, we are of the considered view that, Writ Petition of habeas corpus ought not to be maintained. We therefore, refrain ourselves from exercising our jurisdiction in the present Writ Petition and accordingly, grant liberty to the parties concerned to raise all such issues before the appropriate bench in the pending matters before this Court. Writ Petition alongwith application stands disposed of accordingly.

[N.B.SURYAWANSHI, J]

[INDRAJIT MAHANTY, J]