

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.2621 OF 2014

Jai Singh s/o Late Ram Singh and Anr.

...Petitioners

vs.

The Chairperson and Ors.

...Respondents

Mr. Milind Deshmukh for the Petitioners.

Smt. Aruna S. Pai, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
N. R. BORKAR, JJ.**

DATE : 18/12/2019.

(In chamber at 2.45 p.m.)

PC.:

. Report of Child Welfare Committee, Mumbai dated 18/12/2019 signed by its three members and Chairperson is produced before us.

2. The said report dispelled avernments in affidavit of respondent No.3 dated 20/8/2014.

3. We accept the report and take it on record as Exhibit "A". It shall however be placed by the Court Sheristedar in sealed envelope and be preserved in sealed envelope till directed to be opened by the Court.

4. Learned counsel for the petitioners has produced copy of order dated 30/10/2017 passed by the Family Court, Mumbai in Petition No.D-28/2015 and decree passed therein. It appears that accordingly marriage of petitioner No.1 with respondent No.3 is already dissolved and as per

Consent Terms in said matter, Respondent No.3 has agreed to custody of both children with father petitioner No.1.

5. Said order with decree is taken on record as Exhibit "B".

6. Learned APP pointed out that respondent No.3 in the matter is not before the Court. She was not present before the Court on 8/11/2019 and thereafter on 6/12/2019 also.

7. As submitted by the petitioners in view of dissolution of marriage and Consent Terms, she appears to be not interested in prosecuting the matter. We therefore have no hesitation to make Rule absolute. Custody of children as per names mentioned in clause (a) shall continue with the petitioners.

8. We place on record our thanks to Child Welfare Committee, Mumbai.

9. The petition is allowed and disposed of.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)