

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

WRIT PETITION NO.3420 OF 2015

Rishie Nundlall

.... Petitioner

versus

The State of Maharashtra & Anr.

... Respondents

.....

- Mr.A.M. Saraogi, Advocate for Petitioner.
- Mrs.S.V. Sonawane, APP for Respondent/State.
- Mr.M.P. Vashi, Senior Counsel, a/w Ms.Manisha M. Desai, a/w Mr.Jaineel Vashi, a/w Mr.Vivek Vashi i/b. M.P. Vashi & Associate, Advocate for Respondent.

**CORAM : INDRAJIT MAHANTY &
SMT. S. S. JADHAV, JJ.**

DATE : 09th JANUARY, 2019.

P.C. :

1. Heard learned Counsel Mr.A.M. Saraogi appearing for the Petitioner and learned Counsel Mr.M.P. Vashi appearing for Respondent No.2.

2. This Writ Petition for Habeas Corpus is filed by the Petitioner essentially alleging that the whereabouts of his son namely Khush Rishie Nundlall is unknown to the Petitioner and

he asserts that learned Family Court had granted visitation right to the Petitioner during pendency of the divorce proceedings between the parties. But since he was unable to locate the whereabouts of his son, he was unable to enforce his right of visitation.

3. On the other hand, the learned Counsel appearing for private Respondent No.2/wife submits that the said interim order referred to in the Petition, is of no consequence, since the Divorce proceeding was concluded in the year 2013, wherein a Decree of Divorce has been granted on 02/07/2013 with the following directions;

“The permanent custody of the minor son Kush [sic.] shall remain with the petitioner.

The petitioner is entitled for permanent injunction restraining the respondent, his relatives, friends and agents from removing the minor son Kush [sic.] from her custody.

No order as to costs.”

4. The learned Counsel further submits that the child namely Khush Rishie Nundlall is in her custody and undergoing education in a residential school.
5. In view of the aforesaid facts, nothing remains for consideration in the present Writ Petition for Habeas Corpus and parties are at liberty to avail appropriate remedy as may be available in law for seeking any other relief in accordance with law.
6. Writ Petition is accordingly disposed of.

(SMT. S. S. JADHAV, J.)

(INDRAJIT MAHANTY, J.)