

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 356 OF 2019

Miraaj Oberoi (earlier known As Hemal Vora)	...Petitioner
<i>Versus</i>	
Mrs. Dhruti Hemal Vora	...Respondent

....
Mr. Miraaj Oberoi, the petitioner is present in person.
Mr. Aarif Ali M. Ali, for the Respondent.
....

CORAM : R. G. KETKAR, J.

DATE : 14th FEBRUARY, 2019

P.C.

1. Heard Mr. Miraaj Oberoi, the petitioner appearing in person and Mr. Aarif Ali, learned counsel for the respondent, at length.
2. This petition takes exception to the order dated 4.6.2018 passed by the learned Judge of the Family Court at Bandra, Mumbai in application filed by the petitioner on 4.6.2018 (at Exhibit-M page-38 of the petition). The petitioner filed said application for taking up the case on board on the same day. By order dated 4.6.2018, the learned trial Judge rejected the application on the ground that the submission made by the petitioner herein to shift custody of the child cannot be considered to be an urgent prayer and the matter was adjourned to 13.6.2018. In my opinion, the petition is wholly misconceived. Merely

because the learned trial Judge did not accede to the request made by the petitioner for taking up the matter on the same day that does not give right to the petitioner to file the petition challenging said order. The order does not decide the rights of the parties either way. Hence, the petition fails and the same is dismissed.

3. Mr. Oberoi submits that the Family Court may be directed to dispose of the application dated 4.6.2018 (Exhibit-O, pages-41 to 45 of petition) in petition No.D.11/2018 and application dated 4.6.2018 (pages-46 to 50 of petition) in petition No.A-1351/2016 in a time bound manner. It is not possible to issue such direction to the trial Court. The petitioner is, however, at liberty to file application for deciding said applications expeditiously. If such an application is made, the learned trial Judge will pass appropriate order. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)