

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2495 OF 2019**

[Bhartesh K. Bhivate Vs. Amruta B. Bhivate]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
---	----------------------------

Mr. Rajendra Anbhule a/w. Swati Jadhav,
Advocate for Petitioner.

CORAM : R. G. KETKAR, J.

DATE : 28/02/2019

P.C.:

1. Not on board. At the request of Mr. Anbhule taken up for admission.
2. Heard Mr. Rajendra Anbhule, learned Counsel for the petitioner, at length.
3. This Petition seeks direction to the learned Judge, Family Court, Kolhapur to expedite the proceedings and dispose of Civil Misc. Application No.5/2018 within a period of two weeks from the date of the order.
4. Mr. Anbhule submitted that initially a petition for dissolution of marriage under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 was instituted. By filing application Exhibit-124, same was converted into a petition for divorce by mutual consent under Section 13-B of the Act vide order dated 6.6.2018. By final order dated 29.8.2018, the learned trial Judge allowed the petition and dissolved the marriage between the parties by decree of divorce by mutual consent under Section 13-B of the Act. Insofar as the present controversy is concerned, the learned trial Judge held that the custody of master Aayush will remain with the respondent mother. He submitted that the petitioner had filed Misc. Civil

Application No.5/2018 for modification of the order dated 29.8.2018 on 14.11.2018. He submitted that the petition may be disposed of by issuing appropriate direction to the trial Court to dispose of said application within two weeks from receipt of copy of this order.

5. It is not possible to accede to the request made by the petitioner. However, it will be open to the petitioner to file application before the trial Court who is seized of the proceedings to dispose of the proceedings in a time bound manner. If such an application is made, the learned trial Judge will pass appropriate orders. It is made clear that I have not examined the merits of the case. Writ Petition is disposed of in aforesaid terms with no order as to costs. Order accordingly.

(R. G. KETKAR, J.)