

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO.5843 OF 2019
WITH WP/6611/2019

KARIM CHAND PATEL (SHAIKH)
VERSUS
NIYAZMUNBI KARIM PATEL

.....
Advocate for Petitioners : Mr. Kale Mahesh P.
Advocate for Respondent-sole : Mr. N. D. Kendre
.....

CORAM : V. K. JADHAV, J.
DATED : 30th JANUARY, 2020

PER COURT:-

1. Heard both sides.
2. By order dated 23.5.2019, this Court [Coram: A. M. Dhavale, J. (Vacation Court)] has directed the petitioner in writ petition No. 5843 of 2019 to hand over custody of the youngest child Arman to the respondent wife before the District Judge, Ambajogai on 27.5.2019 at 11.00 a.m. By order dated 10.6.2019, this Court (Coram: Ravindra V. Ghuge, J.) has recorded a statement made on behalf of the petitioner-husband that he had handed over custody of two years old child to the respondent-wife and complied with the directions of this Court set out in the order dated 23.5.2019.
3. It appears from the submissions made on behalf of both the parties that the main application bearing Civil Misc. Application No. 29 of 2019 preferred by the respondent-wife for custody of the minor children under Section 25 of Guardians and Wards Act, 1890 is still

pending before the learned District Judge, Ambajogai and these two writ petitions came to be filed as against the interim orders.

4. By consent, the interim arrangement made under the order of this Court dated 23.5.2019 shall remain continued till disposal of Civil M.A. No. 29 of 2019 and the respondent-wife (original applicant) shall not press interim order to the extent of custody of other two children as a measure of interim custody.

5. Needless to say that the custody of those two remaining children shall remain with the petitioner herein (father) till disposal of Civil M.A. No. 29 of 2019 and custody of the youngest child Arman shall remain with the respondent herein (mother). However, the order regarding interim maintenance shall remain continued till disposal of Civil M.A. No. 29 of 2019.

6. The learned District Judge shall dispose of pending Civil M.A. No. 29 of 2019 as expeditiously as possible, preferably within a period of four months from today. The order passed below Exhibits 27 and 32 are hereby quashed and set aside and the writ petition No. 5843 of 2019 is hereby allowed to that extent.

7. Both the writ petitions are disposed of with the aforesaid directions.

(V. K. JADHAV, J.)