

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

WRIT PETITION NO. 2389 OF 2021

Deepak M. Bhambhani] **Petitioner**

Vs.

Neeta Deepak Bhambani] **Respondent**

...

Ms. Pooja V. Thorat a/w Anukul Seth, for petitioner.

Ms. Neeta Deepak Bhambani respondent in person.

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**CORAM : K.K. TATED &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE : 10th AUGUST, 2021.

P.C.

Heard Ms. Thorat, learned Counsel for the petitioner and Ms. Neeta Bhambani, respondent in person.

2 By this petition under Article 226 of the Constitution of India, petitioner is seeking direction against respondent to grant interim access of the minor child Nitara to the petitioner including over night stay at least for 3 days a week. It is to be noted that in the present proceedings, petitioner already filed petition No.52 of 2021 before the

Family Court under Sections 7, 8 and 12 of the Guardians and Wards Act, 1890. Thereafter the petitioner preferred an application below Exhibit 8 for interim relief.

3. Today, learned Counsel Ms. Thorat appearing on behalf of the petitioner filed additional affidavit dated 10th August 2021 stating that the Family Court passed order dated 6th August 2021 below Exhibit 8 and granted ad-interim relief in favour of the petitioner.

4. As alternate efficacious remedy is available to the petitioner, hence, when this court declined to entertain the petition, learned Counsel for petitioner submits that, the petitioner may be permitted to withdraw the same unconditionally. To that effect, learned Advocate for petitioner has given in writing. Same is taken on record and marked 'X' for identification.

5. Writ petition stands dismissed as withdrawn.

6. No order as to costs.

[PRITHVIRAJ K. CHAVAN, J.]

[K. K. TATED, J.]