

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

WRIT PETITION NO. 2359 OF 2022

Mandar Manohar Tare ...Petitioner

V/s.

Dipali Mandar Tare ...Respondent

Mr. Anil Anturkar, Senior Advocate a/w. Mr. Yatin Malvankar
a/w. Mr. Satyavrat Joshi i/b. Mr. Nitesh Mohite, for the Petitioner.
Mr. Abhiraj Parab, for the Respondent.

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CORAM : C.V. BHADANG, J.

DATE : 28 JULY 2022

P.C.

. By this petition, the Petitioner is challenging the order dated 8 February 2022 (below Exh.7) passed by the Family Court at Pune in P.D. No.74/2021. By the impugned order, the application filed by the Petitioner under Section 12 of the Guardians and Wards Act, seeking custody of the child, till the disposal of the petition before the Family Court, has been rejected.

2. It is indisputed that presently the child is staying with the Petitioner – father in Denmark and is taking education there in

Danish medium.

3. The learned Senior counsel for the Petitioner pointed out that as per the rules applicable either the Petitioner has to have custody of the child as per the order passed by the Competent Court or there should be a consent by both the parents in order to enable the child to stay and take education in Denmark.

4. For the present, that issue appears to have been resolved as the Respondent who is the mother of the child has fairly given the consent for the child to continue his education.

5. The learned counsel for the Petitioner, on instructions, states that an application for renewal of the residential permit of the child is filed with the Authorities with the no objection certificate from the Respondent and that application is pending.

6. Be that as it may, the only limited prayer made on behalf of the Petitioner at this stage is to expedite the hearing of the petition before the Family court so that final orders could be obtained on or before January 2023. It is further submitted that the Family Court has also on its own accord taken up the issue of jurisdiction and it has been answered in the negative and against the Petitioner. He submitted that the said issue may be left open to be decided at the final hearing of petition before the Family

Court.

7. The learned counsel for the Respondent, on instructions, states that appropriate orders may be passed in view of the limited request made on behalf of the Petitioner.

8. Thus, the petition is disposed of directing the Family Court to hear and decide P.D. No.74/2021 as expeditiously as possible and preferably on or before 31 January 2023. Parties to co-operate for the time bound disposal of the petition.

9. Issue about jurisdiction of the Family Court to entertain the petition is left open, to be gone into at the stage of final hearing. The rival contentions of the parties are left open.

In the circumstances, there shall be no order as to costs.

C.V. BHADANG, J.