

PMB

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

WRIT PETITION NO.2720 OF 2022

Binoy Gopalan Vaikkattile

..Petitioner

vs.

Veena Binoy Vaikkattile

..Respondent

Mr. V. S. Tadke for petitioner.

Ms. Suchita Pandey i/b. M/s. Pandey and Company for
respondent.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 26, 2022.

P.C. :

1. Heard learned counsel for the parties.
2. The writ petition is filed challenging an order passed below Exhibit 25 filed by the respondent-wife, whereby the learned District Judge, Pune directed the petitioner-husband to hand over the custody of minor-Saieashan to the respondent-wife within a day from the date of the order i.e. 03.03.2022. The Civil Miscellaneous Application No.55 of 2020 was filed by the petitioner-husband for custody of Saieashan. Due to some intervening facts on the allegation

that the petitioner-husband had forcibly taken the custody of the child from the respondent-wife, the respondent-wife filed an application at Exhibit 25 for handing over the custody of the minor child to her. That application is allowed.

3. Learned counsel for the petitioner submits that the custody application was filed as far back in the year 2020. He submits that he would be satisfied if the District Judge, Pune is requested to dispose of the Civil Miscellaneous Application No.55 of 2020 itself expeditiously in which case he will not press the writ petition.

4. The request appears to be reasonable. The Civil Miscellaneous Application No.55 of 2020 is of the year 2020 and as the issue pertains to the custody of the minor son, it would be in the interest of justice to request the District Judge, Pune to decide the Civil Miscellaneous Application No.55 of 2020 itself as expeditiously as possible and preferably within a period of six months from the date when this order is placed on record before the trial Court.

5. Needless to mention that the District Judge, Pune

need not be influenced by any observations made in the impugned order and the one passed by me while deciding the matter on its own merits.

6. Writ Petition is disposed of.

(M. S. KARNIK, J.)