

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 8503 OF 2023 IN
FIRST APPEAL NO. 2693 OF 2023**

Mukhtar Yunus Sayyad

Applicant

Versus

Habiba Mukhtar Sayyad & others

Respondents

Mr. K. P. Rodge, advocate for the applicant.

Mr. Muhammad Aseem, advocate for Respondent No.1.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19th July, 2023.

PC :

1 Heard rival submissions.

2 The learned Counsel for the applicant-appellant/father pointed out that the learned District Court has already directed the concerned Police Station for execution of its order of handing over custody of the minor children to Respondent No.1-wife. He further submitted that if the custody of the minor children is handed over to the mother, then the whole object of this appeal will be frustrated.

3 On the contrary, the learned Counsel for the Respondent-wife strongly opposed for grant of stay.

4 However, the judgment passed by the learned District Court is under challenge in this appeal and, therefore, during the pendency of appeal, stay to the execution of impugned order needs to be granted. Of course, the appeal can also be expedited.

5 As such, the interim relief, as claimed under prayer clauses {B} and {C} is granted till final disposal of this appeal.

6 Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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Heard.

Learned Counsel Mr. Muhammad Aseem causes appearance on behalf of contesting Respondent No.1. Since the other respondents are supporting the appellant, there is no need to issue notice to them.

Call R & P and after receiving the same, appeal be fixed for final hearing on 02.08.2023.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb