

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

43 CRIMINAL WRIT PETITION NO. 1430 OF 2022
WITH
CRIMINAL WRIT PETITION NO. 1491 OF 2022

RAJESH S/O SITARAM CHAVAN
VERSUS
PRATIBHA RAJESH CHAVAN AND ANOTHER

.....
Advocate for Petitioner : Mr. Vivek J. Dhage
Advocate for Respondents : Mr. Girish V. Wani
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CORAM : KISHORE C. SANT, J.
DATED : 02.03.2023

PER COURT :-

1. After hearing for some time, both the parties agreed that Criminal Writ Petition No. 1430 of 2022 can be disposed off with a direction to the trial court to decide the main proceeding i.e. P.W.D.V. No. 31/2021 pending on the file of learned J.M.F.C., Jamner within the stipulated period.

2. Criminal Writ Petition No. 1430 of 2022 is thus disposed off with a request to the learned trial court to dispose off the proceedings i.e. P.W.D.V. No. 31/2021 as early as possible and preferably within a period of four months from today, with precondition of deposit of interim maintenance.

3. So far as Criminal Writ Petition No. 1491 of 2022 is concerned, by this petition, the petitioner has challenged the order passed by learned Additional Sessions Judge, Jalgaon dated 26.07.2022 dismissing Criminal Appeal No. 62/2022. The said appeal was filed against the order passed by learned J.M.F.C., Jamner dated 02.05.2022 on an application below Exhibit 17 in P.W.D.V. No.31/2021. The petitioner-husband had prayed for custody of son Vedant aged 7 years. In the alternative, he had prayed for custody of the child at least in the vacation period such as Diwali, summer vacation and holidays on occasions. This Court *prima facie* finds that being father, the petitioner should be allowed to visit the child. However, it is better to pass the order by consensus of the parties so that the issue can be amicably resolved.

4. Stand over to 16.03.2023.

[KISHORE C. SANT, J.]