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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 CIVIL APPLICATION NO. 12751 OF 2024
IN FA/2121/2023

SHARDUL SHAMPRASAD DEV AND ORS
....Applicants

VERSUS

MANJIRI SHARDUL DEV AND ORS
.....Respondent

Mr. S. S. Kulkarni, Advocate for the applicants
Mr. M. L. Sangit, Advocate for the respondent No.1
Mr. A. T. Kanwade, Advocate for the respondent No.2

CORAM : KISHORE C. SANT, J.

DATE : 28th NOVEMBER, 2024

P. C.

1. Heard.

2. This application is filed for continuation of interim relief that was continued by this court on 16-10-2024, while pronouncing a judgment for six weeks. The said relief is expiring today.

3. This application is now moved on the ground that

the applicants are in process of filing the SLP before the Hon'ble Supreme Court. It is also stated that the applicants have deposited DD of Rs.1 lakh in the trial Court drawn in the name of the mother of the child towards costs as ordered by this court. It is also averred in the application that in Diwali vacation for 15 days custody of the child was handed to the mother.

. So far as filing SLP is concerned, the difficulty is expressed that there are more than 600 exhibits in Marathi which are to be translated in English language for filing in the Supreme Court. He, thus, prays for extension of interim relief for two weeks from today.

4. The application is vehemently opposed by the learned advocate for the respondents. He pointed out the conduct recorded in the proceeding of the learned trial court and also by this court. In the judgment in the first Appeal No. 2121/2023 he also pointed out that the conduct was recorded by this court even in the writ petitions those were filed during

the pendency of the proceeding before the learned trial court. He further submits that though the DD is submitted in the trial court for an amount of Rs.1 lakh, however, till now the mother could not withdraw the said amount as the applicants have objected for withdrawal of the amount, since they want to approach the Hon'ble Supreme Court. He, thus, vehemently opposes the application.

5. The learned Advocate for the applicant submits that he has not objected for withdrawal of the amount but has only suggested the court that said amount can be utilized for welfare of the child. He thus, denied that he has ever objected to withdrawal of the amount.

6. So far as the conduct of the applicants is concerned, it is expressly observed by this court and by the learned trial court that he is not a person who obeys the orders of the court. There are at least 10 instances quoted by the learned trial court of disobedience of the orders passed by the learned trial court

during pendency of the proceeding. Even now the amount of cost though is deposited, could not be withdrawn till today by the mother of the child. This itself indicates that the applicants are not intentionally obeying the orders of this court.

7. This court normally would not have refused to extend the interim relief. However, in the peculiar facts in this Case this court finds that request is not genuine. Ample time was given for approaching the Hon'ble Supreme Court. Now it is at the end of said relief, the applicants are now intending to file SLP. In the peculiar circumstances, this court feels that the applicants do not deserve any sympathy and indulgence from this court. Thus, the application stands rejected. No order as to costs.

8. The learned advocate for the applicants makes a statement that his clients will not object to withdrawal of the amount and have no objection to hand over the DD in the name of the mother that is deposited in the court. Therefore, the

(5)

912ca12751.24

learned court shall handover the DD to the mother.

[KISHORE C. SANT, J.]

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