

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

**INTERIM APPLICATION NO. 12593 OF 2024
AND
INTERIM APPLICATION (ST) NO. 25361 OF 2024
IN
FAMILY COURT APPEAL (ST) NO. 25360 OF 2024**

Shital Prajwal Mhatre ...Applicant
(Orig.
Respondent)

In The Matter Between:

Shital Prajwal Mhatre ...Appellant
(Orig.
Respondent)

Versus

Prajwal Prakash Mhatre ...Respondent
(Orig.
Petitioner)

Mr. Ranjeet Sangle, a/w Nehal Dhruv, i/b Hitesh Sangle, for the Appellant.

Mr. Vikrant Khare, a/w Siddharth Ghasat, for Respondent.

Ms. Shital Mhatre, Appellant present.

**CORAM : G. S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : SEPTEMBER 11, 2024

PC :

1. This interim application was placed before us yesterday where we passed the following order:-

“1. Learned Advocate for the respondent has fairly stated that his client, in peculiar circumstances of the case, would hand over the custody of the child to the appellant Mrs. Shital Prajwal Mhatre by 7 p.m. today.

2. Let the proceedings be placed on 11 September 2024 at 10.30 a.m. for compliance.”

2. We are informed by learned Counsel for the applicant as also the respondent that the custody of the child is handed over to the applicant-mother yesterday at 8:00 p.m. In this view of the matter, now the parties would be required to be heard on the merits of their respective contentions in the main proceedings. We also record the contention urged on behalf of respondent-husband that if he intends to have access of the child then he is free to move an appropriate application, which can be heard and appropriate orders passed therein.

3. All contentions of the parties in that regard are expressly kept open. Needless to observe that if the respondent unless so permitted under the orders of the Court shall not disturb the custody of the child which is presently with the applicant-mother. All necessary steps as permissible in law would be required to be followed, in the event he intends to take the benefit of the impugned order and which shall certainly be subject to the orders passed by this Court.

4. Interim application No.12593 of 2024 would not survive and is accordingly disposed of.

[SOMASEKHAR SUNDARESAN, J.]

[G. S. KULKARNI, J.]