

2025:BHC-AS:9921



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2105 OF 2024

Maulik Chunilal Patel

... Petitioner

Vs.

Damjibhai Thobhabhai Bhalodiya & Ors.

... Respondents

Mr. Abhishek Matkar a/w. Mr. Tushar More for the petitioner.

Mr. Saket R.Ketkar i/b. Mr, Kunal Jadhav for respondent no. 1.

Smt. P.J. Gavhane, AGP for respondent no. 3/State.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
DATED: 26 FEBRUARY 2025

P.C.

1. The only substantive prayer as made by the petitioner is that the proceedings as initiated by the petitioner, i.e., Suit No. 3 of 2021 under Section 25 of the Guardians and Wards Act, 1980 be disposed of as expeditiously as possible.

2. We do not intend to delve on the merits of the petitioner's case, suffice it to observe that the petitioner has contended that his wife expired on 17 August, 2019 by committing suicide and the very next day, respondent nos. 1 and 2, i.e., petitioner's in-laws, took his minor children with them, who are now sought to be brought back by the petitioner in the proceedings in question. His contention is that the proceedings are instituted on 22 October, 2019 and it is almost about five years that the proceedings are pending.

3. Learned counsel for respondent nos. 1 and 2 would also not be averse that the proceedings be expedited.
4. We, accordingly dispose of the petition by the following order:

ORDER

- (i) The proceedings of Suit No. 3 of 2021 be expedited.
 - (ii) The petitioner shall approach the learned trial Court with an application for disposing of the application within six months from the date of the application and if such an application is made, the same be considered and an endeavour be made by the learned trial Judge to dispose of the proceedings on or before 30 September, 2025.
 - (iii) All contentions of the parties on the pending proceedings are expressly kept open.
5. Disposed of in the aforesaid terms. No costs.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)