

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8563 OF 2024.

IN

FIRST APPEAL NO. 709 OF 2024.

Rajesh Prabhakar Haldankar And Ors.

...Appellants.

Versus

Mahendra Ramchandra Kir And Anr.

...Respondents.

Mr. Sachin P Shetye for the Appellants.

None for the Respondents.

Coram : Sharmila U. Deshmukh, J.

Date : March 17, 2025.

P. C. :

1. Interim Application has been preferred seeking stay of the impugned Judgment and decree. By an order of even date, the First Appeal has been admitted after all attempts were made to serve the Respondent No. 1-Father to whom the custody have been granted. Though the Respondent No. 1 was served personally, none appears for the Respondent No. 1.

2. Learned Counsel appearing for the Applicant submits that the child is studying in 8th standard and due to the displacement the child would suffer academically. He would further submit that the Respondent No. 1 is not interested in the welfare of the child as he is not even aware of the school or the standard in which the child is

studying. He submits that no efforts have been made by the father to either visit the child or to make any efforts to secure his future. He submits that the child has been residing with the appellants who are the maternal relatives since he was 11 months old.

3. Issue notice to the Respondent, returnable on **21st April, 2025.**

4. As the custody have been granted to the father who was the Respondent No. 1 in the original application this Court made efforts to secure the presence of the Respondent No. 1. However, despite due service none appears for the Respondent No. 1. It is not disputed that the child was with the maternal relatives since it was 11 months old and today is studying in 8th standard. As of today nothing has been demonstrated to show that the welfare of the child is not being looked after by the maternal relatives who have taken care of the child's academic education. As the custody was always with the maternal relatives and only recently the Respondent No. 1 father had applied for custody of the child this is a fit case where ad interim relief is required to be granted till the next date. As such ad-interim relief in terms of prayer clause (b) and (c) till the next date.

5. List the matter on **21st April, 2025.**

[Sharmila U. Deshmukh, J.]