

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2133 OF 2025

Manik Ravindra Joshi	...Petitioner
<i>Versus</i>	
Abhijit Baruah	...Respondent

Ms. Gauri Joglekar i/b. Meraki Legal, for the Petitioner.
Mr. S. V. Chaugule, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.
DATED : 13th FEBRUARY 2025

P. C.:

1. Heard Ms. Gauri Joglekar, learned Counsel appearing for the Petitioner and Mr. S. V. Chaugule, learned Counsel appearing for the Respondent.

2. The Petitioner has sought the following reliefs in this Writ Petition:

“c. That this Hon’ble Court be pleased to modify the consent terms filed in the decreed Petition A-91 of 2018 and handover the complete legal and physical custody of the minor child to the Petitioner.

d. That this Hon’ble Court be pleased to restrain the Respondent from contacting the minor child Adviti;

e. Pending hearing of this Writ Petition, this Hon’ble Court may be pleased to stay the Regular Darkhast proceedings before the Ld Family Court, Bandra;”

3. At the outset, Mr. Chaugule, learned Counsel appearing for the Respondent submits that the Writ Petition is not maintainable and there is an alternate remedy under Section 38 of the Special Marriage Act, 1954.

4. In view of the said objection raised by Mr. Chaugule, learned Counsel appearing for the Respondent, Ms. Joglekar, learned Counsel appearing for the Petitioner seeks withdrawal of the Writ Petition. However, she states that learned Executing Court has kept the matter on 15th February 2025 and therefore, some protection be granted.

5. Accordingly, the Writ Petition is disposed of by passing the following order:

ORDER

(a) The Writ Petition is allowed to be withdrawn with liberty to adopt alternate remedy.

(b) Learned Executing Court is requested to adjourn the proceedings in Regular Darkhast No.14 of 2024 beyond 4th March 2025.

(c) Without prejudice to the rights and contentions of both the parties, however, by consent of the parties, the following interim arrangement is arrived at:

- i. The Respondent will be allowed telephonic access of the child through Video Call on every Tuesdays and Sundays at 07:30 p.m. (IST) and the said Video Call be recorded.
- ii. This arrangement shall remain in operation till the learned Family Court passes ad-interim/interim order in proceedings to be filed by the Petitioner.

6. Accordingly, the Writ Petition is allowed to be withdrawn and disposed of as such, subject to above.

7. It is clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

[MADHAV J. JAMDAR, J.]