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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

WRIT PETITION NO.15193 OF 2025

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Donald John Babu Chazoor,)
Age : 41 years, Occ : Doctor, R/at : B-41,)
Kaveri CHS, Plot No.63, Sector – 17,)
Vashi, Navi Mumbai – 400 703.) ...Petitioner

..Versus..

1. Lycee Francais International)
De Mumbai,)
Urmi Estate Compound, 95)
Ganpatrao Kadam Marg, Lower)
Parel West, Mumbai – 400 013.)

2. Saumya Mathews,)
Age : 38 years, Occ : Doctor,)
R/at : T2/2305, Crescent Bay,)
Jerbai Wadia Road, Parel,)
Mumbai - 400 012.) ...Respondents

Mr.Yash Arora (through V.C.) with Mr.Chandrakant Pawar for
the Petitioner.

Mr.Mohammal Oomar Shaikh i/b M.V. Mini & Co. for the
Respondent No.1.

CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.
DATE : 8TH DECEMBER, 2025.

JUDGMENT (Per Sandesh D. Patil, J.) :-

1. Rule. Rule is made returnable forthwith with the consent of the parties and taken up for final disposal.

2. Heard learned counsel appearing for the parties.

3. By the present Petition, the Petitioner is praying for the following reliefs :-

10 (a). This Hon'ble Court may be pleased to pass and appropriate directions against the Respondent to repel the child from the school and she should be admitted in a local school with the suggestion of the Respondent No.2.

(b). This Hon'ble Court be pleased to pass appropriate directions that until the pendency of the said Writ Petition the Respondent No.1 shall be disclosing all the information of the child to the Petitioner.

(c). Such other and further reliefs as this Hon'ble Court may deem fit and proper be granted in favour of the Petitioner."

4. The genesis of this Writ Petition lies in a matrimonial dispute, which is pending between the Petitioner and the Respondent No.2. Admittedly, there is a matrimonial proceeding

in the nature of divorce, filed by the Petitioner against the Respondent No.2 vide Petition bearing No.A-511/2022 before the learned Judge Family Court, Bandra.

5. The temporary custody of the daughter of the parties is with the Respondent No.2. It is the contention of the Petitioner that the Respondent No.2, has by way of temporary order, sought maintenance from the Petitioner, and has chosen to admit their daughter in a school affiliated to the French board. The Petitioner contended that the said decision of the Respondent No.2 is to collect maintenance money from the Petitioner. The Petitioner therefore, has filed the Petition and has joined the Respondent No.1 - School as a party to the present Writ Petition. It is the contention of the Petitioner that the Respondent No.2 has arbitrarily chosen to admit their daughter in a French Board School for French Baccalaureate Programme (Respondent No.1 – School) in the Respondent No.1 – School. It is the contention of the Petitioner that the child is being raised with international students, whom she will never meet in couple of years, and the

social skills of the child will be at stake.

6. The Responder No.1 - School has entered their appearance through an advocate. The learned advocate appearing for the Respondent No.1 states that the Petition against the Respondent No.1 is not maintainable. He states that it is a purely a matrimonial dispute between the parties and that the Respondent No.1 - School is unnecessarily roped in the litigation. The learned counsel appearing for the Respondent No.1 further states that the Respondent No.1 is a private school. He is not a State as contemplated under Article 12 of the Constitution of India, and hence the present Petition is not maintainable. He further states that the dispute between the Petitioner and the Respondent No.2 can very well be settled before the Family Court and that the present Petition is not maintainable.

7. We have heard the learned counsels appearing for the parties. It is not in dispute that the proceedings between the Petitioner and the Respondent No.2 for divorce as well as for custody of the child are pending before the Family Court. It is

also not in dispute that the present Writ Petition is a dispute between the husband and the wife. Admittedly, the Respondent No.1 - School is only imparting education to the daughter of the Petitioner and Respondent No.2. The Petitioner could not have joined the Respondent No.1 as party to the present proceeding. The Respondent No.1 had to appear before the Court, engage advocate and incur all necessary expenses in order to contest the present litigation. It is pertinent to note that since the matter was pending before the learned Family Court, the Petitioner could very well have sought the reliefs which are sought in the present Petition before the Family Court. Instead of doing so, the Petitioner has chosen to file the present Writ Petition. Further, the prayer that the Respondent should repel the child from the school and the child should be admitted in a local school, with the suggestion of the Respondent No.2 was a relief which very well would have been maintainable before the Family Court, without making the school a party. In spite of the above facts, the Petitioner has deliberately chosen to approach this Court. The Petitioner is not an illiterate person but a Doctor by profession. In

these premises, we feel that this is a fit case where the Petition deserves to be dismissed. Accordingly, we pass the following order :-

ORDER:

- i). The Writ Petition stands dismissed.
8. Rule is discharged.
9. All parties to act on the authenticated copy of this order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)