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

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WRIT PETITION NO. 2086 OF 2025

Salil Deshpande

.. Petitioner

Versus

Shalaka Deshpande & Anr.

.. Respondents

Mr. Rishi Bhuta a/w Megha Chandel, Ankita Bamboli for the Petitioner.

Mr. P. Shinde i/b. Mahadik & Associates for the Respondent No.1.

Ms. Rutuja Ambekar, APP for the Respondent-State.

**CORAM: RAVINDRA V. GHUGE &
GAUTAM A. ANKHAD, JJ.**

DATE: AUGUST 21, 2025

P. C.

1. An excruciating situation is voiced by the learned Advocate for the Petitioner. If this Court does not pass orders urgently and if the Petitioner and his biological son are not able to reach USA by 28th August, 2025, the son's admission in the USA school would be cancelled and his H4 Visa would expire. His son insists to live with the father and stay in USA.

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2. On 13th June, 2025 we had passed the following order:

“1. The Petitioner is well aware of the whereabouts of his minor daughter. It is conceded that she is presently in the custody of the mother. The son is present in the Court and he is in the custody of the Petitioner.

2. The Superior Court of New Jersey, Chancery Division - Family Part Middlesex County, United States of America, has recorded the consent of the couple in an order passed on 13th December, 2024. We are informed that the said Court has also granted a divorce to the parties, but, in the absence of the Respondent mother since she returned to India, on 6th March, 2025 and did not participate in the Court proceedings.

3. The mother presently has the custody of the minor daughter, notwithstanding the above orders wherein it was ordered by the aforesaid Court that both the children should be with the Petitioner father in USA. The Respondent mother has initiated proceedings in India for seeking custody of the child.

4. Both the parties desire to take instructions as regards whether the mother can accompany the Petitioner along with the minor daughter and whether co-parenting in USA could fructify.

5. List this Petition on 18th June, 2025 in the supplementary board.”

3. It is, thus, apparent that on the one hand, the mother of the children desires benefit of the USA Court's order to the extent of receiving 30% of the assets and earnings of the Petitioner, and on the other hand, despite such decree by the US Court that the children would be with the father, she does not desire to obey that portion of the order. Surprisingly, though the

divorce has been granted to the couple by the US Court, strategically, the former wife has filed a divorce proceeding in India bearing No.MJ-A-115/2025. The proceedings under the Protection of Women from Domestic Violence Act, 2005 has also been initiated. In view of the above, it is imperative that this matter is to be heard expeditiously.

4. The learned Advocate representing the biological mother submits that the lawyer is busy elsewhere and he cannot come to Mumbai for Court hearing till Monday.

5. A lawyer's inconvenience should not jeopardize the interest of the litigant. In view of the above, we are constrained to post this matter tomorrow on the Supplementary Board. If the Respondent seeks a pass over for some time during the course of the day, we would accommodate him in order to ensure that the matter is heard tomorrow. The pending MJ-A-115/2025 for divorce and the case bearing Application PWDVA No.415/2023 under the Domestic Violence Act, shall be adjourned until further orders of this Court.

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]

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