
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3473 OF 2025

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Cyrus Marzban Gorimar

.. Petitioner

Versus

Sharon Gorimar & Anr.

.. Respondents

Mr. Nitesh Bhutekar a/w Kshitija Wadtkar, Anita Irani i/b. Kshitija Wadtkar & Associates for the Petitioner.

Mr. Prathamesh Seth a/w Joseph Fernandes & Hitesh Kalbate for the Respondent No.1.

Mr. A. A. Naik, APP for the State.

Mr. Cyrus Gormar, Petitioner is present.

Mrs. Sharon Gorimar, Respondent No.1 and Myra Gorimar, daughter is present.

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

DATE: JULY 23, 2025

P. C.

1. This is yet another litigation where the education of an 11 year old child is unnecessarily impacted due to the marital disputes of the parents.

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2. In this petition for a writ of Habeas Corpus, we are not getting into the allegations and counter allegations of the matrimonial disputes. In a nutshell, facts can be summarized as follows:

- a. The Petitioner and Respondent No.1 are the biological parents of Myra Cyrus Gorimar. The couple was married on 10th May, 2004 and residing at Mumbai. Myra was born on 30th October, 2013.
- b. In 2018, Myra was admitted at the J.B. Petit School at Mumbai and has been studying there since then until March 2025.
- c. Respondent No.1 left the matrimonial home on 1st March, 2025 along with her daughter Myra. Since then, she has been residing in a flat at Kharadi, Pune, which is jointly owned by the Petitioner and Respondent No.1.
- d. From March, 2025 till June, 2025, the Petitioner made efforts to persuade Respondent No.1 to come back to home in Mumbai along with Myra. There have been meetings between the parties, but without any results. The parties have not filed for divorce.

3. The matter was heard at some length on 22nd July, 2025. The Petitioner's primary grievance was that Myra, for the past six years, has been studying at J.B. Petit School— a premier girls' school in Mumbai. The

Petitioner has already paid the annual fees for the current academic year. Myra has her friends and is actively involved in social activities in Mumbai. She has been out of school since March, 2025. In order to ensure Myra's well-being and shield her from the matrimonial discord, the Petitioner has offered to arrange a fully furnished two-bedroom flat in Mumbai for Respondent No. 1 and Myra to reside in. Learned advocate for Respondent No. 1, however, rebutted the Petitioner's claims, attributing the matrimonial discord to the Petitioner. He further submitted that Myra's education is not being compromised, as she has been admitted to Sai School in Pune. After hearing both sides, we directed Respondent No. 1 to produce Myra before the Court on the next day. The matter was taken up in chambers today to facilitate an interaction with Myra and to ascertain her preferences regarding the continuation of her education in Mumbai.

4. After hearing brief submissions from the Advocates, we interacted with Myra. To ensure that Myra did not feel uncomfortable, the advocates and the parties were directed to wait outside. We asked several questions to Myra about her schooling preferences, her friends at J.B. Petit and activities in Mumbai and Pune etc. Myra appeared composed and responded to our questions. From her answers, it appeared to us that Myra was strongly tutored

against the Petitioner. She answered that she does not want to live with the Petitioner-father as he will abuse her mother. She is happy to be just with her mother at Pune. She is happy with her activities in Pune. She does not even want to meet her father. Even to our suggestion that she can live with only her mother in another flat in Mumbai was repelled by her. She also stated that she does not want to continue with her schooling in J.B. Petit School.

5. We find it highly unusual for an 11-year-old child, particularly one who has been enrolled in the same school for over five years, to express a desire to leave it abruptly. Myra's stated reason for wanting to remain in Pune was to prevent her mother from facing abuse by her father. This explanation appeared odd, especially since the primary dispute between the parties relates to alleged extramarital affairs, with no specific allegations of abuse or violence. Subsequently, the parties and their advocates were called in, and we conveyed our concern that Myra appears to have been heavily tutored by Respondent No. 1 to provide rehearsed responses. Such tutoring is contrary to her welfare. We expressed our view to the parties that Myra's best interests would be served by continuing her education at J.B. Petit High School in Mumbai.

6. Now that Myra has been brought to Court, nothing further survives in the petition. We can only hope that wiser counsel will prevail upon the litigating parents, bearing in mind that the welfare of the minor is of paramount importance. It is unfortunate that the child's education is being put at risk by attempting to shift her from a premier school in Mumbai to Pune. We trust that the parties will act in a manner that safeguards not only Myra's academic future but also her overall well-being and social development.

7. At the request of the learned Advocates appearing for the parties, we stand over this matter only to note if any reconciliation is possible. The presence of Myra is not required anymore. **List the matter on 28th August 2025 under the caption for directions.**

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]