

4. The Family Court had, in turn, rejected the prayer of interim custody of the petitioner. Thereupon, the petitioner had then approached this Court in Writ Petition No. 9434 of 2022.

5. By an order dated 16th December 2022, this Court directed the learned Judge, Family Court to decide the application for interim custody on its own merits and in accordance with law.

6. Post remand, by an order dated 9th February 2023, the learned Judge, Family Court partly allowed the said application and interim custody of the minor daughter was given to the petitioner.

7. In the meanwhile, in Criminal Appeal No. 17 of 2021, the learned Additional Sessions Judge again adjudicated the question of entitlement of the petitioner for temporary custody of the daughter and, eventually, the appeal came to be dismissed.

8. Mr.Kulkarni, the learned counsel for the petitioner, submits that on 6th March 2023, the petitioner had not pressed the prayer clause (a) and, yet, the learned Additional Sessions Judge determined the said prayer and dismissed the appeal. Attention of the Court was invited to the Roznama of the proceeding dated 6th March 2023. It records that the advocate for the applicant had not pressed the prayer clause (a) pertaining to the grant of interim custody of the child.

9. The situation which thus obtains is that the prayer for interim custody has already been decided by the Family Court on 9th February 2023. Interim custody of the minor daughter has since been granted to the petitioner. Mr. Kulkarni informed the Court the said order passed by the Family Court was also affirmed by the High Court.

10. In these circumstances, and, at this stage, there is no propriety in entertaining this petition. It would be suffice to clarify that the observations in the impugned order with regard to the entitlement of the petitioner for interim custody of the minor daughter and the incidents of domestic violence were confined to determine the interim application and will not bear upon the final adjudication.

11. Subject to aforesaid clarification, the petition stands dismissed.

(N.J. JAMADAR, J)