



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO.39/2025

Mr. Vyankatesh Shankarrao Chakkarwar

Vs.

Sharyu Yerawar and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri G.S. Umale, APP for respondent No.2
Shri C.J. Dhumane, Advocate for respondent No.3

**CORAM : ANIL L. PANSARE AND
SIDDHESHWAR S. THOMBRE, JJ.**

DATE : 16.09.2025

1. On 04.09.2025, following order was passed:

“1. None for the petitioner.

2. The petitioner has made following substantive prayers i.e. prayer clause B and C :-

“B. That a Writ, Order and Direction in nature of Prohibition be issued by this Hon’ble Court, ordering the Federal Court of Australia to cease the case and restrict itself from passing any order in the Divorce case being numbered as PAC4154/2024 and other Child Care cease filed by the Respondent No.1 on 09.08.2024 and be transferred to the Court of Civil Senior Division, Pusa, District Yavatmal India being the marriage solemnized in India as per customary rites and ceremonies under Hindu Marriage Act, 1955;

C. That a Writ, Order or Direction in the nature of Habeas Corpus be issued by this Hon'ble Court, ordering the Respondent No.1 to produce the two minor, Master Sharavya Vyankatesh Chakkarwar and Master Ruyesh Vyankatesh Chakkarwar before this Court and upon production, they be ordered to set a liberty in the manner that the minors be given into the father's custody."

3. As could be seen, the petitioner is seeking writ in the nature of prohibition, directing the Federal Court of Australia to cease the case and restrict itself from passing any order in the divorce case.

4. The counsel for the respondent No.1 submits that the Federal Court of Australia has already passed an order. A decree of divorce is passed on 21.02.2025.

5. As such, in our view, the prayer itself is not maintainable. Nonetheless, the Federal Court of Australia has passed an order and thus, parties will be bound to act in terms of order, unless, the law provides otherwise.

6. So far as the prayer clause 'C' is concerned, the counsel for the respondent No.1 submits that both the children are resident of Australia and that they will be governed by the laws application for the said State.

7. Thus, there are subsequent developments, which in a way make the petition infructuous and that appears to be the reason why none is appearing for the petitioner.

8. List the petition under the caption 'For dismissal' on 16.09.2025."

2. None appears for the petitioner even today.

3. It appears that the petitioner is not interested in prosecuting the petition. The petition is accordingly dismissed as not prosecuted.

(SIDDHESHWAR S. THOMBRE, J.)

(ANIL L. PANSARE, J.)

R.S. Sahare