



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

Writ Petition No.2031 of 2025

Shri Madhav s/o Brijkishor Gopa

vs.

Master Chandresh s/o Madhav Gopa and another

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. S.G. Nigot, Advocate for the Petitioner.

Mr. R.R. Maddalwar, Advocate for the Respondents.

CORAM : **ANIL L. PANSARE, J.**

DATE : **25th APRIL, 2025.**

On 15th April, 2025, the following order was passed:

“The petition arises out of an order passed by the District Judge – 1, Hinganghat, directing the petitioner – husband to handover custody of child to respondent no.2 – mother. The impugned order is passed on 9/12/2024 directing the petitioner to handover interim custody of child within 45 days from the date of order.

2] *The order has been not complied with. The reasons assigned is that the petitioner filed application seeking review, but failed, and has now filed the present petition.*

3] *Since order dated 9/12/2024 has been not complied with, it appears that respondent no.2 has filed execution proceedings.*

4] *The question is, in absence of stay, was not it the duty of the petitioner to comply the order, particularly when there are no extraordinary reasons to permit the petitioner to withheld the custody of child? The answer would be certainly in the affirmative.*

5] *The petitioner shall, therefore, first comply the order and thereafter revert back to this Court. The petitioner is at liberty to get the petition circulated once the order is complied with. In the meantime, respondent no.2, who is on caveat, shall file reply.*

6] *The petition in-person is present. When enquired, he submits that he is willing to settle the dispute, and is even ready to go to Satna (M.P.), where respondent no.2 has filed proceedings under Section 13 of the Hindu Marriage Act, 1955.*

7] *The learned Counsel for the respondents submits that he will take instructions on this point.*

8] *Considering the nature of dispute, there appears element of settlement. The petitioner and respondent no.2 shall jointly take steps before the Court at Satna to settle the dispute through alternative method, which includes settlement through mediation.*

9] *At this stage, I am informed that the petition filed by respondent no.2 at Hinganghat is scheduled on 17/4/2025 for compliance of impugned order.*

10] *If that be so, the parties shall request the learned Judge, who is dealing with M.J.C. No. 36/2023, for appointment of mediator, and on the same day, if possible, the parties shall appear before mediator. The learned Judge shall take steps to encourage the parties to settle the dispute through mediation.*

11] *Process accordingly.”*

02. As could be seen, the petitioner was directed to first comply with the order dated 09/12/2024. As the order was not complied with, respondent No.2 was required to file the execution proceedings. The order is yet not complied with.

03. In the circumstances, the executing Court shall proceed further to execute the order. Stand over after summer vacation. The petitioner is at liberty to get the petition circulated once the order passed by this Court is complied with.

04. At this stage, learned Counsel for the petitioner, on instructions, seeks permission to withdraw the petition. Permission is granted.

05. The petition is dismissed as withdrawn.

(Anil L. Pansare, J.)

**sandesh*