



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO.1342/2025

Ashish Anandrao Patil .Vs. Mrs. Prajakta Ashish Patil

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

Court's or Judge's orders

Mrs. J. D. Dharmadhikari, Advocate for petitioner.
Ms H Bondre, Advocate instructed by Mrs. P. M. Girdekar, Advocate
for respondent.

CORAM : ANIL L. PANSARE, J.
DATE : JUNE 16, 2025

At the outset, learned counsel for respondent seeks time to
file reply. Granted.

2. On 12.03.2025, following order was passed.

“Heard.

*The argument is that before leading evidence in the case
filed by the petitioner - husband for divorce, he had
moved application for custody of child and, thereafter,
tendered affidavit in lieu of chief-examination and thus,
the evidence covered the main petition seeking divorce,
so also, custody of child. The respondent - wife had
cross-examined the petitioner. The Family Court,
however, of its own, permitted the respondent to again
cross-examine the petitioner on the point of custody of
child. The argument is two fold. Firstly, that the
respondent had earlier cross-examined the petitioner
and, therefore, there was no need to grant such
permission. Secondly, the permission has been granted
without having been sought by the respondent.*

Issue notice, returnable in three weeks.

*In the meanwhile, there shall be stay to the
proceeding viz. Petition No. A-308/2019 pending before
the Family Court No.1, Nagpur.”*

3. As could be seen, the order impugned deals with
permission to cross-examine the petitioner and in that context, the
proceedings pending before Family Court, Nagpur was stayed.

4. Counsel for the petitioner submits that since the proceedings pending before the Family Court have been stayed, the Family Court has refused to accept the application filed by the petitioner seeking interim custody of the child during Summer Vacation. The vacation will be over on 25.06.2025. Accordingly, she made a request to direct the Family Court to consider her prayer for interim custody.

5. The request appears to me to be reasonable. The reason why the proceedings pending before the Family Court were stayed is in context with permission granted to cross-examine the petitioner. The Family Court was, however, at liberty to deal with interim application pertaining to the rights of the parties, pending proceeding, particularly, if the issue involved relates to the well being of the child. The Family Court is accordingly requested to decide the application, if request of such a nature is made but the same shall be considered on its own merit.

6. Counsel for the petitioner submits that she will approach the Family Court, tomorrow for taking up the case on board so that her application could be considered well within time.

7. Counsel for respondent shall take note of the aforesaid fact and upon receipt of the intimation thereof, the respondent shall appear before the Family court.

8. Interim order to continue till then.

(Anil L. Pansare, J.)