

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 81 OF 2016

[@ SPECIAL LEAVE PETITION (CRL.) 1715 OF 2012]

JIVANA DEVI YOGENDRA NATH ADHAR & ANR Appellant(s)

VERSUS

VIMAL KUMAR DAYARAM MAKANE (ROY) & ANR Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The appellants approached the High Court of Judicature at Mumbai, aggrieved by an order passed by the Judicial Magistrate, 1st Class, Court No. 2, Nasik dated 07.12.2010 directing them to hand over the custody of the child borne to the first respondent. That order was affirmed by the High Court by the impugned order dated 25.08.2011.
3. By order dated 21.02.2012, the order of the High Court was stayed by this Court.
4. We find that the issue of custody has been pending before the Family Court. Therefore, we make it clear that the interim order passed by the Court shall continue till final orders are passed by the Family Court and the parties shall abide by the final outcome/order passed by the Family Court, subject to

its finality.

5. With the above directions, the appeal is disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[SHIVA KIRTI SINGH]

New Delhi;
January 27, 2016.

SUPREME COURT OF INDIA



JUDGMENT

ITEM NO.26

COURT NO.12

SECTION IIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 1715/2012

(Arising out of impugned final judgment and order dated 25/08/2011 in CRLA No. 74/2011 passed by the High Court Of Bombay)

JIVANA DEVI YOGENDRA NATH ADHAR & ANR Petitioner(s)

VERSUS

VIMAL KUMAR DAYARAM MAKANE (ROY) & ANR Respondent(s)

(with office report)

Date : 27/01/2016 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s) Mr. D. K. Thakur, Adv.
Mr. D. Jha, Adv.
Mr. J. P. Rinwa, Adv.
Mr. Lalan Chowdhry, Adv.
Mr. Sushil Kumar, Adv.
Mr. Debasis Misra, Adv.

For Respondent(s) Ms. Damini Hajela, Adv.
Mr. Shivaji M. Jadhav, Adv. (Not Present)

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is disposed of in terms of the signed non-reportable Judgment.

Pending interlocutory applications, if any, are disposed of.

(Jayant Kumar Arora)
Sr. P.A.

(Renu Diwan)
Court Master

(Signed non-reportable Judgment is placed on the file)