

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.



JUDGMENT