

IN THE COURT OF DISTRICT JUDGE, PUNE AT PUNE.

CIVIL SUIT NO. 10/2017

Rishad Darayas Cooper .. Plaintiff  
Vs.  
Nahida Rishad Cooper .. Defendant

ORDER BELOW EXH. 1

Heard learned Advocate Shri Bhojwani for the plaintiff and learned Advocate Mrs. Merchant for the defendant. There are various interim applications pending before me. Defendants contend that some of them do not survive. Whereas, plaintiffs contend that they do survive. I am keeping that issue open. But, today, I deem it proper to pass interim order so far as moving Marc out of Pune and not to print or publish any matter relating to the present suit.

2- It is true that there is no written application asking for interim injunction by the plaintiff. The objection of defendant to that effect is correct but that technicality does not prevent me to pass interim injunction. I am saying so because there are observations by the Hon'ble High Court about shifting of Marc. So also, there is grievance made in Para No.11 and subsequent paragraphs of affidavit at Exh.60 about not brining Marc to Pune on 08.01.2018 in spite of oral undertaking before the Court.

3- There is also grievance that in spite of undertaking, defendant and son Marc have not shifted to Devi Chamber. Yet the defendant has to file reply to it. These averments are sufficient to

injunct the defendant. At the same time, defendant is asking for taking action against the plaintiff under Section 43 of the Parsi Marriage and Divorce Act. Printing and Publication of any matter is unlawful except with the permission of the Court. There is grievance of the defendant that plaintiff has sent e-mails to various authorities. Plaintiff has filed reply to this application. Yet, hearing is to take place on it. The circumstance compelled me also to injunct the plaintiff from doing that.

4- There is also prayer to give access of Marc to plaintiff. Directions given by the Hon'ble High Court (Justice Shri. Ketkar) were brought to my notice. Defendant insist that there should be application for access and visiting rights. At this juncture, I am not inclined to accept the oral prayer for access. Because before passing that order so many details are to be fixed. Hence, the order :-

#### **ORDER**

- (i)- The defendant is injuncted from shifting Marc out of Pune City except by taking permission of the Court, till next date.
- (ii)- Plaintiff is also injuncted from printing or publishing any matter pertaining to this suit, till next date.

#### **LATERON,**

5- The learned Advocate for the plaintiff brought to my notice prayers about interim injunction made vide Exh.5 and Exh.20. But according to the defendant, those prayers were made prior to passing of order by the Hon'ble High Court and under different circumstances.

Be that it may, I have formed opinion to injunct the defendant and I do not want to go into controversy whether those prayers today survive or not.

**LATERON,**

6- When I was trying to ascertain from both the advocates about the stage of the suit on next date, they submitted that hearing of Exh.43 and 54 be taken on next date. The learned Advocate for the plaintiff Shri Bhojwani submitted that there is mandate not to take action under Section 43 of the Act. To that, learned advocate Mrs. Merchant submitted that let she may be permitted to argue Exh.54. To that, learned Advocate Shri. Bhojwani submitted that injunction not to print or publish be passed against the defendant also. I agree to that. I do not want to go into the technicalities. Hence, the further directions.

(iii)- Defendant is also injuncted from printing or publishing any matter pertaining to this suit, till next date.

(iv)- It is made clear that hereinafter prayers only in writing will be considered.

**Place – Pune**  
**Date -29.01.2018**

**(S. M. Modak)**  
**Principal District Judge, Pune.**

I affirm that the contents of this P.D.F.,file order /judgment are same word for word as per original Judgment.

Name of Steno	:	Shri A.G. Tawale Stenographer (Grade-1)
Court Name	:	Principal District & Sessions Judge, Pune.
Date	:	29.01.2018
Judgment signed by	:	
P.O. on	:	30.01.2018
Judgment uploaded on	:	30.01.2018

