

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7708 OF 2015

Sou. Dhanashri Sandip Patil

.. Petitioner

Versus

Shri. Sandip Sampatrao Patil

.. Respondent

Mr. Umesh Mankapure a/w Mr. A. M. Kulkarni, for the Petitioner.

Mr. Kedar J. Patil i/by Ms. Trupti A. Bharadi, for the Respondent.

CORAM : R.M. SAVANT, J.

DATE : 16th SEPTEMBER, 2015

PC.

1. The order dated 25.06.2015 passed by the Learned Adhoc District Judge-1, Sangli on Application Exh.6 in M.A. No.189 of 2014 is taken exception to by way of the above Petition. The Trial Court has further passed order below Exh.16 appointing advocate Mr. Patil as Commissioner for implementing the impugned order dated 25.06.2015 as also passed further order dated 07.08.2015 directing the Petitioner to give access to Master Riddhansh at the residence of the said advocate Mr. Patil. The said two orders are therefore consequential orders. The impugned order has been challenged on the ground that the same has been passed without hearing the Petitioner wife especially in view of the fact that the child Master Riddhansh is of tender age being three years old and

therefore his interest is of paramount importance. The appointment of the Commissioner is questioned on the ground that he is alleged to be a relation of the respondent husband and the order appointing him has also been passed without hearing the Petitioner wife. The above Petition has been heard from time to time and in fact the parties were directed to resolve the issue of access to the husband amicably. However, though broadly there was consensus on the main aspect that the husband should be provided access on some issues namely as regards the period of the access and the days on which the access is to be provided as also the venue of the access there was no consensus which could be arrived at. This Court is therefore constrained to intervene and the interest of justice as also considering the tender age of the child Master Riddhansh issues the following directions :-

- I) The impugned order dated 25.06.2015 passed below Exh.6 as also consequential orders which have been referred to herein above are quashed and set aside.
- II) The Petitioner wife shall give access of Master Riddhansh to the Respondent husband on every Sunday between 5.00 p.m. to 8.00 p.m. during which time the father and mother of the Respondent husband as also the other relations can meet the child.

III) The Petitioner wife and the Respondent husband shall mutually decide the venue for meeting which can be Restaurants, Mall in Sangli, Garden etc.

IV) The Respondent husband to take appropriate care of the child Master Riddhansh and see to his comfort and convenience during the period when access is given to him.

V) The Learned Counsel appearing for the Respondent husband on instructions undertakes to take such care which undertaking is accepted by this Court.

VI) On festive occasions the Respondent husband would be at liberty to visit the child so as to give him clothes, gifts etc.

VII) The impugned order as well as the consequential orders as indicated above would stand set aside and would stand substituted by the aforesaid directions. The parties would be at liberty to apply in case of difficulty. The Petition is disposed of in the aforesaid terms. Hearing of the M.A. No.189 of 2014 is however expedited.

[R.M. SAVANT, J]

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/Order.