

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3902 OF 2015

Suyhas Narayanrao Pandhare & anr. ... Petitioners
Vs.
Tulshiram Shripati Raskar & anr. ... Respondents

Mr.S.N. Gawade i/b Shree & Co. for the Petitioners
B.J. Avasarmore APP, for Respondents

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **AUGUST 13, 2015**

P.C.:

1. Rule. By consent of the parties, Petition is called out and heard finally.
2. By this petition, the petitioner/father had challenged the orders passed by the learned Judge of the Family Court, Pune dated 14.1.2015 and 31.1.2015. The respondents are grandparents. The mother of the respondent No.2 is not alive and the father is a custodian guardian. However, the learned Judge of the Family Court has passed the orders of access and in order to facilitate access, the child was to be taken to the Court. However, the learned Counsel for the petitioner/father informs that the child is very much scared of going to the Court and, therefore, the access cannot be given to the grandparents.
3. Perused the orders passed by the learned Judge of the Family Court on 14.1.2015 and 31.1.2015. The orders are very brief giving specific directions that the Court has not entertained such kind of fear

which is unnecessarily being put in the mind of the child and the learned Judge has appointed advocate to represent the child.

4. In view of this and moreover, considering the submissions made by the learned Counsel for the petitioner, who submitted that the father has no issue in giving access to the grandparents, how it is to be facilitated is a question. The Family Court has already fixed the schedule of access on the first and third weekends, as per its order dated 19.7.2012 whereby the grandparents will be given access of the child on Saturday at 12 noon and the child will be taken by grandparents to their house. The child will have an overnight stay and then the child will be brought back to the father the next day i.e., on Sunday at 5pm.

5. Accordingly, pursuant to this order of access, it is now directed that the petitioner/father shall bring the child at 12 noon at the main entrance of Ganesh Temple at Sarasbag, Pune on 1st and 3rd Saturday and the grandparents shall bring back the child on the same spot on Sunday at 5pm. It is the duty of the father to SMS the grandparents in the event there is any examination scheduled of the child on any Sunday, when the child can be taken little late.

6. Writ Petition is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)