

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

CIVIL APPLICATION NO. 126 OF 2015
IN
FAMILY COURT APPEAL NO. 246 OF 2014

Samir Girish Bhatia

..Applicant
(Org. Respondent)

v/s.

Jagruti Bhatia

..Respondent
(Org. Appellant)

Mr. Y.M.Kanchan for the Applicant
Mrs. Seema Sarnaik, for the Respondent.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : APRIL 17, 2015.**

P.C.

1. Heard. This application is taken out by the applicant/original respondent seeking direction to the respondent (original appellant), not to take the minor child out of jurisdiction of this Honourable Court.
2. By judgment and decree dated 17th July, 2014 the Family Court No.2, Mumbai decreed the applicant's petition partly and the marriage between the applicant and the respondent came to be

dissolved. So far as the custody of the two daughters are concerned, the same is with the applicant. The respondent wife has granted access i.e. every alternate Saturday and Sunday with one night stay and 50% vacations and 50% on the birthdays of the daughters and the respondent wife herself.

3. The applicant has not challenged the order passed by the family court, there is no restriction on the respondent to take the daughter outside the jurisdiction of this Court. The respondents is planning to take the daughters to Bangalore at her parents house. Granting relief as prayed for will amount to modifying the order of the Family Court without there being any challenge by the applicant. We are, therefore not inclined to interfere with the application. Same is accordingly dismissed.

4. Mr. Kanchan, learned Counsel for the applicant makes a statement that minor daughters would be handed over to the respondent at 5.00 p.m, on 4th May, 2015 and the children can return back on 9th June 2015 by 8.00 p.m. Statement accepted.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)