

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

CIVIL APPLICATION NO. 3447 OF 2014
IN
FIRST APPEAL NO. 1028 OF 2010

Smt. Tabassum Shafeeq

..Applicant

v/s.

Shri Shafeeq Abdul Rahim

..Respondent

Mrs. Farhana Shah for the Applicant.

Mr.Shivanand Kunchge i/b. Nitesh Acharya for the Respondent/Org.
Appellant.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : AUGUST 14, 2015.**

P.C.

1. The applicant has filed additional affidavit and pointed out that the respondent has with impunity disobeyed order dated 21st July, 2015. In the said order we had directed the respondent to continue to give access of the minor child Reeba to the applicant as per the order dated 18th July, 2014 passed in Civil Application No. 2098 of 2014 except that the access was to be given at the residence of the

grandmother of the applicant-mother. The Counsel for the applicant made a grievance that though this order was passed on 21.7.2015 till today the access of the minor child was not given to the applicant.

2. The counsel for the respondent no.2 has tendered affidavit of the respondent wherein he submits the respondent has apologized for not complying with the order. The respondent is present before us. He has stated that in addition to the access as per the order dated 18.7.2015 he is ready and willing to give compensatory access of the minor child to the applicant in addition to the access as per the order dated 18.7.2015, during Diwali Vacation, as well as on 5th Saturday of the month. He lastly submitted that the minor daughter is brought to the court today and he will give access of the minor daughter right now.

3. In the light of the apology tendered by the respondent and the assurance given to comply with the order, as well as to give additional access on every 5th Saturday and entire Diwali Vacation, we are not inclined to proceed further, and pass the following order

i) The respondent shall give access of the minor child Reeba to the applicant forthwith today. The respondent shall collect the minor

child at 8 p.m. on 16th August, 2015, from the gate of the complex outside the house of the grandmother of the applicant at Bhiwandi.

ii) The respondent shall give overnight access of the minor child to the applicant on every Saturday, as per the order dated 18th July, 2015 in Civil Application No.2098 of 2015 and in addition on every 5th Saturday of the month.

iii) The respondent shall give access of the minor child to the applicant during the entire Diwali Vacation.

iv) The respondent shall pay compensation of Rs.7500/- (Rupees Seven Thousand Five Hundred Only) to the applicant.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)