

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9294 OF 2015
WITH
CIVIL APPLICATION NO. 2975 OF 2015

Bhalchandra D. Korgaonkar .. Petitioner
vs.
Chitra V. Shirsat .. Respondent

Mr. Uday Warunjikar for Petitioner.
Ms Pooja Gupta i/b. Sahil Mahajan for Respondent.

CORAM : M. S. SONAK, J.
DATE: 18 DECEMBER 2015

P.C. :-

1] The challenge in this petition is to the order dated 11 May 2015, operative portion of which reads thus :

- “1. The application below Exh. 352 is partly allowed.*
- 2. The respondent shall give access of minor child Balkrishna to the petitioner every day in between 11.00 a.m. to 5.45 p.m. starting from 14.5.2015 to till 8th June 2015.*
- 3. The respondent shall drop the child before the Marriage Counsellor every day at 11.00 a.m. and shall collect the child at about 5.45 p.m.*
- 4. The petitioner shall pay travelling expenses of child during the course of giving and taking access i.e. an amount of Rs.500/- per day.*
- 5. Both the parties shall take care of mental and physical health of the child.”*

2] During the pendency of this petition, the petitioner had taken out a civil application seeking access during Ganesh vacations, Diwali vacations and Christmas vacations. By orders made from time to time, the issue of access during Ganesh vacations and Diwali vacations has been sorted out. The impugned order dated 11 May 2015, basically concern access during May vacations. Accordingly, there is no reason to continue any further, either in this petition or in the civil application.

3] This petition can be disposed of by granting liberty to the petitioner to take out fresh application in the matter of access / custody and with directions to the Family Court to consider such application on its own merits and in accordance with law after afford of opportunity of hearing to the respondent – wife.

4] It is clarified that all contentions of all parties are left open for determination by the Family Court.

5] With liberty and direction as aforesaid, this petition as well as civil application is disposed of.

(M. S. SONAK, J.)