

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.O. NO.707/2015

IN

M.C.A. STAMP NO.6276/2015

IN

C.P. NO.208/2013

Amit s/o Narendra Samrit

..V/s..

Mrs. Charuta w/o Ashish Ingole and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 10.4.2015

Heard Shri S.P. Bhandarkar, the learned advocate for the applicant/petitioner.

This is an application praying for condonation of delay of 49 days in filing the review application. As the review of order passed in contempt petition dismissing the contempt petition filed by the applicant/petitioner is sought, I have heard the learned advocate on merits of the review application also.

The submission on behalf of the applicant/petitioner is that the contempt petition is dismissed by the order dated 7th January, 2015 mainly accepting the statement made on behalf of the respondent wife

that access to the minor child was given 236 hours more than for what the applicant/petitioner was entitled and this being not the factual position, the dismissal of the petition in view of the statement is resulting in hardships to the applicant/petitioner.

The submission made on behalf of the petitioner cannot be accepted. The contempt petition is not dismissed only considering the fact that the applicant/petitioner has been given access to the minor child for 236 hours more than for what he was entitled. All the circumstances because of which the visitation rights could not be given to the applicant/petitioner during the relevant time are taken into consideration and after adverting to all the necessary points it is found that there is no wilful disobedience of the order passed by the Family Court, by the respondent. The Civil Application No707/2015 and the Miscellaneous Civil Application Stamp No.6276/2015 are dismissed.

JUDGE