

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

C.A.W. NO.1518/2015
IN
WRIT PETITION NO.3035/2015

Sachin s/o Prakash Wadate
..Versus..
Sau. Archana w/o Sachin Wadate

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 : 29.7.2015

Heard Shri D.B. Biyani, advocate h/f Shri M.G. Sarda, advocate for the petitioner and Ms. J.P. Junghare, advocate h/f Shri M.P. Badar, advocate for the respondent.

The petitioner - father has filed this application seeking modification of the order passed by this Court on 17th June, 2015 regarding the temporary custody of the child. The petitioner - father prays that he be permitted to meet the minor child on every 1st and 3rd Saturday of the month and he be permitted to take the child out of the family Court during the meeting hours. It is further prayed that the parents of the petitioner also be permitted to meet the child.

The learned advocate for the respondent has submitted that the place of meeting should be shifted from the family Court, Akola to the Civil Court at Murtizapur. It is submitted by the learned advocate for the respondent that the respondent is alone and there is nobody to accompany her from Murtizapur to Akola.

Considering the facts of the case, the order passed by this Court on 17th June, 2015 is modified as follows :-

- (i) The parents of the petitioner are permitted to meet the minor child on 1st and 3rd Saturday of the month between 12 p.m. to 5 p.m. at the Court of Civil Judge, Junior Division, Murtizapur.
- (ii) The petitioner is also permitted to meet the minor child on 1st and 3rd Saturday of every month between 12 p.m. to 5 p.m. at the Court of Civil Judge, Junior Division, Murtizapur.
- (iii) The petitioner is permitted to take the child out of the Court premises during the meeting hours, however, the petitioner shall not take the child out of Murtizapur town.
- (iv) This order will be subject to deposit of amount of Rs.20,000/- by the petitioner before the trial Court, the amount being payable towards arrears of the maintenance granted by the trial Court.

The learned advocate for the petitioner states that the amount

would be deposited before the trial Court till 1st August, 2015. The learned advocate for the respondent submits that the petitioner is in arrears of about Rs.65,000/-. The learned advocate for the respondent submits that he is accepting the liability of Rs.20,000/- and is disputing the liability to pay the balance amount of Rs.45,000/- and appropriate proceedings are being filed in that regards. Without prejudice to the contentions of the parties, the petitioner shall deposit Rs.20,000/- before the trial Court till 1st August, 2015. If the amount is not deposited till 1st August, 2015, this modified order will not become effective.

The civil application is disposed in the above terms.

JUDGE

Tambaskar.