

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

CIVIL APPLICATION 2809 OF 2015

IN

WRIT PETITION NO.8583 OF 2015

Madhukar Shankar Mane and another

.. Applicants/Petitioners

Versus

Santosh Madhukar Mane

.. Respondent

Mr. G. T. Kanchanpurkar, for the Applicants/Petitioners.

Mr. Kunal Bhanage i/by Mrs. Rushi T. Bhadricha, for the Respondent.

CORAM : R.M. SAVANT, J.

DATE : 17th MARCH 2016

PC.

1. The above Civil Application has been filed seeking modification of the order dated 23.09.2015 in the matter of providing access of the minor child to the Respondent herein. The said order dated 23.09.2015 was an ad-interim order passed in the above Civil Application No.2809 of 2015 which has been modified by the order dated 08.10.2015 passed in the above Civil Application. The said order dated 23.09.2015 providing for weekend access as well as access during Diwali Holiday was recalled. However, the Respondent was permitted access every week i.e. fortnightly in presence of a lady constable in civilian clothes from the Kauthe Mahankal Police Station, Sangli. The modification is sought on the

ground that the Respondent is intimidating the Applicants on the day when such access is provided. However, when queried, the Learned Counsel appearing for the Applicants Mr. G. T. Kanchanpurkar fairly stated that the alleged acts of intimidation were prior to the order dated 08.10.2015 being passed. It is precisely to take care of the untoward incidents that the access was to be in presence of a lady constable in civilian clothes. In my view, therefore, no case for modification of the order dated 23.09.2015 as modified by the order dated 08.10.2015 is made out. Since the two orders are ad-interim orders passed in the above Civil Application, in my view, it would be just and proper to dispose of the Civil Application in terms of the order dated 23.09.2015 as modified by the order dated 08.10.2015. The access provided to the extent mentioned by the two instant orders would continue to operate pending the disposal of the main Misc. Application No.351 of 2013 pending before the Learned Adhoc District Judge-1, Sangli. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J]