

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

**CIVIL APPLICATION NO. 277 OF 2010
IN
FAMILY COURT APPEAL NO. 31 OF 2005**

Sayed Aqueel Ahmed Quadri	... Applicant
V/s.	
Norruzia Quadri	... Respondent
...	

Mr. R. R. Salvi for the Applicant.
Mr. Sayeed Akhtar a/w. Khushnood Akhtar &
Ms. Pradnya Meshram for the Respondent.

**CORAM : A. S. OKA & A. A. SAYED, JJ.
DATE : 20 JULY, 2016.**

P.C. :

1. As far as prayer (a) is concerned, it seeks modification of the final judgment and order of this Court passed on 18th July 2009 in the Family Court Appeal. Clause (f) of paragraph 4 of the judgment and order dated 18th July 2009, makes a provision for visitation rights for the appellant's mother. Modification is sought on the basis of subsequent events.

2. As far as orders of the Court regarding the custody of the minor child and as regarding visitation rights are concerned, the

same are never final in the sense that in the event of any major change in circumstances, the parties can always apply for modification of such orders.

3. Considering the averments made in the application, we grant liberty to the Applicant to file appropriate proceedings before the Family Court seeking modification of the direction contained in the judgment and order of this Court on the basis of the alleged subsequent events. Family Court being the Court of first instance, will have jurisdiction to deal with the application in accordance with law.

4. As far as prayer (b) is concerned, there is already an order passed in terms of clause (b) of paragraph 4 of the judgment in Family Court Appeal for deposit of certain amount. If the account particulars of the Respondent are not yet furnished, the Advocate for the Respondent will furnish the account particulars along with a copy of canceled cheque of the account to the Advocate of Applicant

within a period of one month from today. The Applicant shall transfer the requisite amount to the said account of the Respondent.

5. Application is disposed of on the above terms.

(A. A. SAYED, J.)

(A. S. OKA, J.)