

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7588 OF 2016

Pranav Mahendrakumar Salvi

.....Petitioner

V/s.

Komal Pranav Salvi

.....Respondent

* * * * *

Mr. Rana K. Kishor, Advocate for the petitioner.

Mr. Sajjan Oommen i/by. Ghazala Z. Khan, Advocate for the respondent.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 12TH JULY, 2016.

P.C. :-

1). This petition challenges the order dated 9th July, 2016 passed on Exhibit-59 striking off the defence of the petitioner under Order 39 Rule 11 Civil Procedure Code for non-compliance with the different orders passed by the Court for access to the two children to the respondent, mother. The record shows that, the first order of access was passed on 8th May, 2014. Since then, there are several orders passed making arrangements for the access including the access during vacation. The breaches thereof have been admitted by the petitioner though he has sought to justify the same. The

petitioner, despite specific direction that he shall give access for half the summer vacation to the respondent, has not done so for the summer vacation for this year. The justification sought to be given for non-compliance is that, the petitioner desired to challenge those orders. The second justification given is that, the orders passed are not convenient for compliance by the petitioner. Both the justifications cannot be accepted. Perusal of the record shows that, more than sufficient opportunity was given to the petitioner to improve his conduct as regards the compliance with the court's orders and give access to the respondent, wife. The petitioner, however, has not taken the opportunities which has resulted into the order dated 9th June, 2016. Hence, the petition is dismissed.

(SMT. R.P. SONDURBALDOTA, J)