

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10397 OF 2016
(Ravikumar Niranjandeo Kavana Vs. Anita Ravikumar Kavana)

Mr.S.H.Jagiasi, Advocate for the petitioner.
Mr.B.S.Deshmukh, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 07/07/2017

PER COURT :

1. The petitioner husband prays for visitation rights so as to meet his son Ujjwal and spend time with him.
2. This matter was heard for quite some on 27/06/2017. In order to ensure that I get to know the mind of child Master Ujjwal, who is just about 7 years of age and the petitioner husband as well as the respondent wife, I had posted this matter today in the chamber.
3. I have personally interacted with the child in my chamber in the absence of his parents. Thereafter both the parents as well as their learned Advocates were requested to enter the chamber. I then heard the parties.
4. The respondent/wife in the presence of the learned Advocates

of both the sides has specifically stated that she wants a divorce from the petitioner. She can not co-habit with him and does not intend to live with him.

5. The petitioner/husband has sought time to think about the said issue and after he would make up his mind, he would make a statement through his learned Advocate before the District Court, Jalgaon in the pending proceeding.

6. It is find that the child is a bit apprehensive about the behaviour of his parents and appears to be more sensitive. When I asked him as to whether he would like to meet his father, he expressed his disinclination. When asked as to whether he remembers his father and whether he wants to have his company, he nodded his head in the negative. He stated that he is afraid of his father.

7. I find that he is of such a tender age that it would be inadvisable to pressurize him to meet his father or grant visitation rights to the father to meet him or take him for spending a day and be in his company. However, I am conscious that being of a tender age and since he is residing with his mother, he is of an

impressionable age and the possibility of he being tutored cannot be ruled out. Passage of time and his growing up is likely to enable him to re-think about his intensity of having the company of his father.

8. It is, in this backdrop that I am not causing any interference in the impugned order dated 18/08/2016. As it is, almost a year has passed by since the passing of the impugned order. I, therefore, deem it proper to permit the petitioner to renew his request in January 2018 or thereafter when the child would be completing 8 years of age. I find it appropriate to observe that if such an application is made seeking visitation rights by the petitioner/father, the learned Court, dealing with the said application, shall cause an interaction with the child so as to get a feel of his mind and thinking and also interact with the parents of the child, before hearing the submissions of the learned Advocates and before passing the order on such an application.

9. With the above observations, liberty and directions, this petition is disposed of.

(Ravindra V.Ghuge, J.)