

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

**CIVIL APPLICATION NO.62 OF 2015
IN
FAMILY COURT APPEAL NO.23 OF 2015**

Dr. Upendra Hari Manyam

..Applicant

Versus

Bhuvaneshwari Krishnamoorthi

..Respondent

Mrs. Jalaja Nambiar for the Applicant.

Ms. M. Rodrigues i/by Nausheen Yousuf for the Respondent.

**CORAM : R. M. SAVANT &
SMT. SADHANA S. JADHAV, JJ
DATE : 21st JUNE, 2017**

PC.

1 The above Civil Application has essentially been filed by the Applicant husband for being granted access to the child Satchithananda. The above Civil Application has come up for hearing from time to time. In the order dated 15.07.2016, a Division Bench of this Court had directed the Respondent wife to furnish her residential address in Port Blair as she was moving to Port Blair on account of the transfer of her present husband who is in the Indian Navy to the Andaman and Nicobar islands. The residential address was accordingly furnished to the Applicant husband which address has been recorded in the said order dated 21.07.2016.

2 The above Civil Application had thereafter come up before a Division Bench of this Court (R. M. Borde and A. S. Gadkari, JJ) on 11.01.2017. In the hearing which took place, the Applicant husband had shown his desire to meet the child in Port Blair, where as indicated above, the Respondent wife has presently shifted. An order therefore came to be passed by the Division Bench that the meeting between the child Satchithananda and the Applicant can take place in the ADR Center attached to the District Court, Port Blair on 30th and 31 January 2017 between 11 a.m. and 2 p.m. It was directed that the Respondent wife to produce the child Satchithananda at the ADR Center on 30th and 31 January 2017 at 11 a.m. and shall take him back with her at 2 p.m. The Registrar (Judicial) of this Court was directed to make a request to Shri. J. Sudarshanan, Chief Administrative Officer of the ADR Center to see to it that he himself or any responsible officer present at the place of meeting on the said date. The Chief Administrative Officer was accordingly directed to submit a report of the said meeting between the child and the Applicant husband. The Chief Administrative Officer has submitted his report to this Court. The report after recording what had transpired in the meeting concludes thus :-

“In view of the above situation, I am also of the opinion that the child is not comfortable in the company of the father and there has been repeated strong resistance from

the side of the boy to have any dialogue with the father. Accordingly, with the consent of both parties I hereby opine that the matter may be stopped here today and the matter may not be placed tomorrow in compliance with the directions of the Hon'ble High Court.”

3 The aforesaid paragraph of the report is eloquent as regards the feeling of the child vis-a-vis his father. Though it is most unfortunate that things have come to such a pass but the fact remains that the child cannot be forced to meet his biological father when the child does not desire to do so. Hence, it is not possible to grant the relief by way of access which is sought by way of the above Civil Application. However, since the well being of the child would also be of concern to the father, towards that end, we direct the Respondent wife to communicate every change of her address that would take place as also communicate to the Applicant the well being as also the progress of the child in so far as education is concerned. We hope and trust that the parties would not precipitate the matter and in the least observe the aforesaid directions in the interest and welfare of the child. The Civil Application to accordingly stand disposed of.

[SMT. SADHANA S. JADHAV, J]

[R.M.SAVANT, J]