

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9706 OF 2016**

Mrs. Sarabjeet Yogesh Sandhu

..Petitioner

Vs.

Mr. Yogesh Kashmirilal Sandhu

..Respondent

Mr. Yogendra Pendse for the Petitioner

Mr. A. B. Tajane -for the Respondent

CORAM : R. M. SAVANT, J.

DATE : 24th FEBRUARY, 2017

P.C.

1 The order dated 16-7-2016 passed by the Learned 8th Joint Civil Judge Senior Division, Thane, on the application Exhibit 9 filed by the Respondent-husband is taken exception to by way of the above Petition.

2 The Petitioner wife has challenged the said order on the ground that she was not given an opportunity to file her reply to the said application Exhibit 9. The Learned 8th Civil Judge Senior Division, has observed in the said order that despite of ample opportunity no reply was filed by the Petitioner herein.

3 Be that as it may, by the application Exhibit 9 the Respondent-husband has sought access on two Saturdays and Sundays in a month. The access granted by the impugned order is on every Sunday from 11.00 a.m to 5.00 p.m. After arguing for sometime, the Learned Counsel for the Petitioner sought time to take instructions from the Petitioner. The Learned Counsel

appearing on behalf of the Respondent also took instructions from the Respondent who is personally present in Court. The Learned Counsel for the Respondent states that Respondent is agreeable to take access on two Sundays on a month.

4 In view thereof, it is not necessary to interfere with the impugned order in so far as the grant of access is concerned. However, the order would have to be modified to the extent of the number of days that the access is granted. Since the Respondent had filed an application Exhibit 9 for access on two Saturdays and Sundays of the month and since the Respondent is now agreeable to take access on any two Sundays, the impugned order would stand modified to the extent that the Respondent would be entitled to access on every first and third Sunday of the month at the Inorbit Mall, Vashi, Navi Mumbai between 11.00a.m. to 5.00 p.m. The said venue is chosen to avoid future complications as already when the access was provided in the house of the Petitioner unnecessary unpleasantness was created between the parties. This Court hopes and trusts that the Petitioner would provide access as directed by the instant order and would not precipitate the matter. The Respondent undertakes to handover the child after the duration of access is over, to the Petitioner. The access in terms of this order would start from March 2017.

5 With the aforesaid directions the Writ Petition is disposed of.

[R.M.SAVANT, J]