

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

WRIT PETITION NO. 11548 OF 2017

Rajesh Ravindra Sawant ... **Petitioner.**

V/s.

Riya Rajesh Sawant ... **Respondent.**

- Mr. Shashank C. Mangle for the Petitioner.
- Ms. Anushka Shreshtha for the Respondent.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATED : 13th OCTOBER, 2017.

P.C. :-

1] Heard learned counsel for both the parties.

2] As per the order passed by the Family Court, Mumbai on 10/10/2017 the Petitioner-husband is directed to drop the child at Respondent-wife residence at 10.00 am on 23/10/2017 and to return the child at 5.00 p.m. on 27/10/2017.

3] As per learned counsel for the Petitioner, the child may not be ready and is not ready to go to the house of the Respondent

mother and therefore, it would be difficult to give access and custody of the child as per the order passed by the Family Court on 10/10/2017.

4] However, learned counsel for the Respondent mother points out that since the birth of the child i.e. on 16/07/2010 to 07/04/2017, the child was very much in the company of the mother. The child is also running the age of 7 years. She is a daughter by name Veda. Therefore, it becomes difficult to accept the contention of the Petitioner that child is not ready or may not be ready to accompany or to go to the Respondent mother.

5] At this stage, learned counsel for the Petitioner submits that the Respondent may pick up the child from the house of the Petitioner on the condition that the child is ready to accompany the mother, then he has no objection for Respondent to take the child with her.

6] Learned counsel for the Respondent has no objection to go to the house of the Petitioner to pick up the child. It is also mutually agreed between the parties that on the first day i.e. 23/10/2017, the Respondent mother will go to house of the Petitioner

at 10.00 a.m. and pick up the child from the house of the Petitioner and if the child is not happy or comfortable in the company of the Respondent, the Respondent will return the child on the same day in the evening. If the child is comfortable in the company of the mother and happy with her, then mother will have the access and custody upto 27/10/2017. On the last date of access i.e. 27/10/2017 at about 5.00 p.m. she will drop the child to the house of the Petitioner.

7] With the above said arrangement, made with the consent of learned counsel for both the parties, the Writ Petition stands disposed of in above terms.

(DR. SHALINI PHANSALKAR-JOSHI, J.)