

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

APPEAL FROM ORDER NO.46 OF 2013

1. Krishnarao Rangnath Mahajan,
Aged 68 years, Occu. Pensioner
2. Pramila w/o Krishnarao Mahajan,
Aged 63 years, Occu. Cottage
Industry,

Both r/o Panchwati, Rohini Society,
in front of Shraddha Nagar,
Wadgaon road, Yavatmal

.. Appellants

Versus

- . Smt. Rekha wd/o Shrikant Mahajan,
Kum. Rekha d/o Jaikrushna Khadange,
Aged 35 years, Occu. Service,
R/o Jawahar Navodaya Vidyalaya
(Junapani), Sonawad, Tq. Badwar,
District Khargaon, Madhya Pradesh

.. Respondent

Mr A.V. Bhide, Advocate for appellants
Mr V.N. Patre, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 13th April 2017

PER COURT

1. The present proceedings are initiated by the grand parents of minor child Dirgha alias Mrunal alias Chakuli.
2. It is the case of the present appellants that respondent got married with their son on 25th December 2001 after she divorced her first husband out of the aforesaid issue born on 28th February 2004.
3. It is the case of the appellants that after the death of their son i.e. husband of respondent no.1, the present respondent got married

with one Hemant Datar, working as Superintendent in Jawahar Navodaya Vidyalaya in Madhya Pradesh. As such, appellant filed application under Section 25 of the Guardian and Wards Act claiming custody of the grand daughter.

4. The grand daughter is now aged about 13 years and is in the custody of respondent and taking education in Madhya Pradesh.

5. In the aforesaid background, Mr Bhide, learned Counsel for the appellants submits that if the appellants are granted visiting rights, they will be able to meet their grand daughter and they will not press for permanent custody of the child. He would submit that the ages of the appellants is advanced and there is hardly anybody to take care and, therefore, it will be appropriate to direct the respondent to drop grand daughter to the appellants during Deewali and summer vacation for three to four days after considering her academic calendar. The respondent though agreed to the aforesaid proposition, submits that it will be possible to visit Yavatmal along with daughter and stay there without any assistance.

6. The aforesaid anomaly created in view of the breach of respective parties can be taken care of by following order :

(i) The respondent is directed to reach minor child Dirgha to the place of the appellants immediately after her annual examination is over i.e. in the first week of summer vacation. The said daughter shall

spend time with the appellants at her discretion in any case minimum for three days. The respondent shall keep said daughter Dirgha at Yavatmal with the appellants.

(ii). The respondent, if is unable to stay at Yavatmal for longer time, the appellants undertake before this Court that they shall stay with the minor child and will reach the child to the respondent after stay of minimum three days or such period, as shall be mutually agreed between the parties. The daughter Dirgha will also visit the appellants in Deewali vacation for minimum period of three days from the date of commencement of her Deewali vacation, which shall be the responsibility of the respondent to reach Dirgha to the place of the appellants, as observed herein above.

(iii). With above observations, particularly in view of the consent extended by both the parties, the present appeal stands disposed of.

(N.W. SAMBRE, J.)

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