

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 92 OF 2018

RUPESH H. SATARDEKAR AND 2 ORS., ... Petitioners

Versus

RASHI RUPESH SATARDEKAR., ... Respondent

Shri Vibhav Rajiv Amonkar, Advocate for the Petitioners.
Shri Shailesh Redkar, Advocate under Legal Aid Scheme for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 27th June 2018

ORAL ORDER:

Heard Shri Amonkar, the learned Counsel for the petitioners and Shri Redkar, the learned Counsel for the respondent.

2. The challenge in this petition is to the order dated 17.04.2018, passed by the learned Additional Sessions Judge at Mapusa in Criminal Appeal No. 111/2017. The dispute in the present petition pertains to the weekend/overnight custody of the minor son of the parties. It appears that the parties by mutual consent, had agreed that the access of the child, who is aged four years, will be given to the petitioner no. 1/father on Sundays, only during day time. It is stated that the child had stayed over night with the petitioner no. 1, on the occasion of Ganesh Chaturthi.

3. The petitioners have challenged the order passed by the learned Magistrate, in an appeal, before the learned Sessions Judge, in which, there was an interim application made, seeking weekend/overnight custody of the child. The learned Sessions Judge has dismissed the application with a direction that earlier arrangement shall continue.

4. For the present, the petitioner no. 1 is getting day time custody of the child on every Sunday. The appeal, before the learned Sessions Judge is still pending, in which, the petitioners have filed written arguments. Normally, this Court would be slow in interfering with the interim orders of the present nature. It is well settled that the interest of the child is a paramount consideration, while deciding the disputes of the present nature. The learned Sessions Judge shall decide the appeal on its own merits and in accordance with law and after considering the guidelines, which are said to be approved by this Court on 16.12.2011 (at page 45 of the compilation). It would also be open to the learned Sessions Judge to interact with the child, if so found necessary and shall then decide the appeal in accordance with law.

The petition is accordingly disposed of in the aforesaid

terms, with no order as to costs.

C. V. BHADANG, J.

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