

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6153 OF 2018

Nilesh Rode ... Petitioner
Vs.
State of Maharashtra and another ... Respondents

Mr. M. M. Pillai for Petitioner.
Ms Kavita Salunke, AGP for Respondent No.1.
Mr. Balchandra Ganu for Respondent No.2.

CORAM : R. G. KETKAR, J.
DATE : JUNE 28, 2018

P.C. :

Heard Mr. Pillai, learned Counsel for the petitioner, Ms Salunke, learned AGP for respondent No.1 and Mr. Ganu, learned Counsel for the respondent No.2 at length.

2. By this Petition under Article 227 of the Constitution of India, petitioner has challenged the order dated 21.04.2018 passed by the learned Principal Judge, Family Court, Mumbai at Bandra in Interim Application No.35 of 2018. By that order, the learned trial Judge gave regular access of the minor daughter Aananya to the petitioner herein for two hours on first Saturday of every month at Children Complex, Family Court, Mumbai between 3.00 p.m. and 5.00 p.m., for Summer vacation of May 2018, the learned trial Judge directed the respondent No.2 herein to give access of the child Aananya to the petitioner for one week on every day from 14.05.2018 to 19.05.2018 between 3.00 p.m. and 5.00 p.m. at Children Complex, Family Court, Mumbai.

3. It is common ground between the parties that clauses (1) and (2) have been complied with. The grievance of Mr. Pillai is that though the petitioner filed application for regular access and custody, half of the

vacations of the school during Diwali and Christmas, the learned trial Judge has not dealt with regular access and custody, half of the vacations of the school during Diwali and Christmas. The learned trial Judge has only dealt with access during Summer vacation of May, 2018. I find substance in the submission of Mr. Pillai as the order is totally silent as regards access during Diwali and Christmas vacation. Be that as it may, Mr. Pillai submitted that petitioner will file fresh application within one week from today for the reliefs claimed in application exhibit-12 for access, custody during Ganpati festival falling in September 2018, Diwali vacation of November 2018 and Christmas vacation of December, 2018 / January, 2019, within one week from today and serve copy during this period on the other side.

4. Mr. Ganu assures that within one week from the receipt of the application, respondent No.2 will file reply.

5. If such application is made, the learned trial Judge is requested to decide the same well in advance before Ganpati festival. All contentions of the parties in the proposed application are kept open. Subject to this, Petition is disposed of.

(R. G. KETKAR, J.)

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