

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.11294 OF 2018

Neeta Yogesh Patankar	]	Petitioner
Vs.		
Yogesh Yuvraj Patankar	]	Respondent
		

Mr. Rajesh More, for Petitioner.
Mr. Abhijeet Joshi, for Respondent.

.....

CORAM : R.G. KETKAR, J.

DATE : 25th OCTOBER, 2018.

P.C:

Heard Mr. More, learned Counsel for the petitioner and Mr. Joshi, learned Counsel for the respondent at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner/wife has challenged the order dated 20th August, 2018 passed by the learned Judge, Family Court-5, Pune below Exhibit 12 in P.A No.1201 of 2017. By that order, the learned trial Judge has partly allowed the application in following terms;

- “2. The child Tanay shall be readmitted after current session in Nanded City Public School.
3. The petitioner-husband has right to have access from 11.00 a.m to 05.00 p.m on every Saturday and Sunday and on the day of festival from 11.00 a.m. to 03.00 p.m at a mutually agreed place.
4. The respondent-wife shall hand over the children to the petitioner-husband on these days for having free and fair access to the husband.

5. The petitioner-husband is allowed to access the school and their authorities to meet the children whenever the parents are called for the parents, teachers meetings and may seek necessary instructions and directions from the school authorities for better upbringing of his children.
6. The application Exh. 21 about directing the Nanded City Public School to hand over transfer certificate to Vidyashilp school is rejected”.

3. The matter was heard at length. Mr. More states that the petitioner is present in the Court. He has tendered photo copy of her PAN Card which is taken on record and marked 'A' for identification. On taking instructions from her, he states that within 2 weeks from today, the petitioner will file application for modification of the impugned order in the trial Court and give copy to the other side during this period. He further submits that if application for modification is filed within 2 weeks from today, it may be clarified that the learned trial Judge shall not reject the same on the ground that it is barred by law of limitation and the said application may be decided on merits. Mr. Joshi assures that the respondent will file reply within two weeks from receipt of the application and serve copy on the other side during this period.

4. In view thereof, Petition is allowed to be withdrawn with liberty as prayed for and as such is disposed of. If application for modification of the impugned order is filed within 2 weeks from today, the learned trial Judge shall decide the same on its own merits and in accordance with law and shall not reject the same on the ground that it is barred by law of limitation. All contentions of the parties are expressly kept open. Order accordingly.

[R.G. KETKAR, J.]