

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9443 OF 2019

Priyanka Sanjay Sali & Anr.

...Petitioners

Versus

Rahul Gulabrao Patil

...Respondent

.....

Mr. Shaikh Mohammad Naseer, Advocate for the Petitioners.

.....

CORAM : RAVINDRA V. GHUGE, J.

DATE : 01-08-2019.

PER COURT :

01. The petitioner wife is aggrieved by the Order dated 19.6.2019 passed by the learned District Judge-1 Bhusawal below application Exh. 9 in Civil Miscellaneous Application No. 62/2018 by which the Court below has granted permission to the respondent father to meet the son on the second and fourth Sunday in the premises of the Court between 3.00 PM to 5.00 PM.

02. The learned Advocate for the petitioner has narrated several purported acts on the part of the respondent-husband contending that he might commit certain illegal acts in future if he meets the child. It is also

stated that the respondent-husband used to beat the petitioner. The child is 7 years old and is a witness to the bad behaviour of the husband. The parties have parted ways since 2014.

03. It appears from the record that none of the submissions advanced by the petitioner before this Court were canvassed before the Trial Court. The Trial Court has recorded the submissions of the petitioner wife in paragraph Nos. 3, 4 and 5. It is now submitted that it was canvassed before the Trial Court that the respondent used to be violent with petitioner and an offence punishable under Sections 307 and 498-A of the I.P.C. has been registered against him.

04. The Trial Court has permitted the respondent, who is the biological father of the child to meet the child on the second and fourth Sunday in the premises of the Court only for 2 hours at a time, between 3.00 PM to 5.00 PM. Naturally, the child has the protection of being within the Court premises. If any untoward incident occurs, the said incident could be brought to the notice of the Court. The desire of the father to meet the child can not be suppressed on the ground that he used to be abusive with the biological mother when they were

together. The child is away from the father for the last 5 years.

05. In view of the above, I do not find that the conditions imposed by the Trial Court on the father with the liberty to meet the son on the second and fourth Sunday in the premises of the Court, could be termed as being perverse or erroneous. This petition being devoid of merit is, therefore, dismissed.

06. Nevertheless, in the event of the respondent misbehaving with the child during any of such meetings, the petitioner would be at liberty to bring this aspect to the notice of the Trial Court and seek modification of the Order.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-