

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

WRIT PETITION NO. 8961 OF 2016

**SOW ARCHANA RAHUL WADHAVE
VERSUS
RAHUL SHANKARRAO WADHAVE**

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Advocate for the Petitioner : Ms. S. M. Zaware
Shri Rahul Shankarrao Wadhav – in person as a respondent

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 30th JANUARY, 2019.

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PER COURT :

1. This matter was heard for atleast one hour. All the efforts were made by the Court to resolve the issue. The stage came before lunch recess today when the mother voluntarily agreed to hand over the custody of the child to the father with a request to have the company of the child on the 2nd and 4th Sunday of each month from 09.00 a.m. to 07.p.m. All other modalities were almost worked out. I still gave a chance to the litigating sides to re-think and make a statement after lunch.

2. When this matter was called out after lunch, it was conveyed by the learned Advocate for the petitioner -wife that

the child, who is present in the Court, does not desire to remain in the custody of the father. Once this statement was made, both the sides resorted to make allegations against each other. Each endeavoured to point out how bad the other side was.

3. The respondent - husband in person submitted that he is willing to reduce the visitation hours from two hours to one hour every day, subject to the earlier directions. He submitted that as the child has now joined a Yoga Class from 06.00 p.m., he would meet the child as per the orders of the Family Court from 05.00 p.m. to 06.00 p.m. every day.

4. The learned Advocate for the petitioner - wife opposed the said request and stated that the respondent - husband should meet the child twice a month.

5. I find that the learned Family Court has applied its mind and has dealt with the issue. By passing a detailed order, the respondent - husband is granted access to the minor child between 05.00 p.m. to 07.00 p.m. on each day at the

Children's Complex, Family Court, Aurangabad. Further condition imposed is that if the petitioner wife makes an intentional default in giving such access, she would have to pay compensatory costs of Rs. 2,000/- (Rs. Two Thousand only) per day.

6. I have perused the impugned order which indicates the reasons why the learned Family Court has passed the said order and has imposed the conditions referred to above.

7. In view of the above, this petition is disposed off by recording the concession given by the respondent in person, stating that he would visit the child as per the directions of the Family Court, between 05.00 p.m. to 06.00 p.m. on each day. With this modification, the petition is disposed off. Rest of the conditions imposed by the Family Court are maintained.

(RAVINDRA V. GHUGE, J.)

shp/-