

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14448 OF 2019
(Snehal w/o Sachin Deshmukh Vs. Sachin s/o Ravikant Deshmukh)

Mr.G.G.Kadam, Advocate for the petitioner.
Mr.D.M.Shinde, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 02/12/2019

PER COURT :

1. The petitioner/wife is aggrieved by the order dated 26/09/2019 passed by the learned Judge, Family Court, Nanded, which reads as under :-

"1. The application is allowed.

2. The respondent mother shall give access of the child to the petitioner father on every 1st and 3rd Saturday during 3.00 p.m. to 6.00 p.m. till further order.

3. If 1st or 3rd Saturday falls on a holiday the parties shall amongst themselves decide the day of said missed access.

4. The respondent mother shall bring the child to the court at 2.45 p.m. from where the petitioner father shall collect the child and take him to his home.

5. The petitioner father shall drop the child at the house of the respondent mother at 6.00 p.m.

6. The petitioner father is also at liberty to take the child to child friendly places such as garden, park, sports etc. during the

access hours.

7. The petitioner father shall take due care of the child's health and safety during the access hours.

8. The petitioner father is allowed to talk to the child on mobile o the respondent mother on every Monday and Thursday during 6 p.m. to 6.30 p.m.

9. Non compliance of any of the above condition shall be viewed seriously against erring party."

2. Earlier, the Family Court had passed the following order dated 04/04/2018, which was accepted by the wife :-

"1. Petitioner shall meet his son Shaarav on every 1st and 3rd working Saturday between 01.00 p.m. to 02.00 p.m. in the Child Access room of this court under the supervision of the Marriage Counselor till disposal of the main petition.

2. Respondent shall bring the child for aforesaid access commencing from 07/04/2018.

3. Petitioner shall not behave in any manner detrimental to the physical and emotional health of the child.

4. Any unjustified disobedience of the order of this Court shall ensue serious adverse consequences against the defaulting party."

3. I have considered the submissions of the learned Advocates for the respective sides and especially paragraph No.19 of the memo of the petition which indicates that the minor son reaches home after

school on every Saturday at about 3.00 p.m. and he takes time of about 30 minutes to freshen up and have some food. He has to then attend the tuition classes and returns at 5.30 p.m.

4. The allegations that the relatives of the father are threatening to kill the son, is something which I would never believe in the absence of any material and has rightly been ignored by the learned Family Court.

5. The father of the child is present in the Court and has instructed his learned Advocate to state that instead of Saturday, the same timetable can be maintained for the 1st and the 3rd Sunday.

6. The wife does not oppose any other condition except the conditions at Sr.Nos. 2, 4 and 5 in relation to the 1st and the 3rd Saturday.

7. The request that child be interrogated by the High Court after he has been residing with the wife, in the face of the allegation of the husband that the child has been tutored and his mind has been poisoned against the father, stands rejected.

8. In view of the above and as the Family Courts observe holidays on Sunday, this petition is disposed off by replacing the day "Saturday" with the day "Sunday" in the above reproduced order. The wife shall deliver the child to the residence of the husband, which is close nearby, on the first and the third Sunday at 3.00 p.m. and the husband would then drop the child back to the residence of the wife in between 06.00 to 6.30 p.m. The rest of the conditions besides the modification, would bind parties.

(Ravindra V.Ghuge, J.)