

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.145 OF 2019
IN
FAMILY COURT APPEAL NO.234 OF 2019**

Smt.Priyanka Vivekanand Ghute ... Applicant

V/s.

Shri Vivekanand Harishchandra Ghute ... Respondent

Ms.Hasnain Kazi with Ms.Shraddha Vavhal for the
Applicant.

None for the Respondent.

**CORAM : AKIL KURESHI AND
S.J.KATHAWALLA, JJ.
DATE : JUNE 14, 2019.**

P.C.:-

1. This application is filed by the wife seeking modification/ recall of order dated 22nd January, 2019 in Family Court Appeal No.234 of 2018. This order was passed on the basis of Consent Terms executed between the appellant-wife and the respondent-husband. One of the clauses of the Consent Terms provided that the husband would have the custody of the minor child.

2. Counsel for the applicant submitted that the wife

seeks custody of the child on the ground that after passing of the said order dated 22nd January, 2019 the husband did not even permit access to the wife to the child.

3. This cannot be the ground for modifying the order which was based on the Consent Terms. We are therefore not inclined to entertain the prayer made in this application. We however observe that this would not prevent the applicant from filing appropriate proceedings for access or her visitation right of the child.

4. Application disposed of accordingly.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)

....