

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.13 OF 2019

Nitika Garg W/o. Tushar Garg	]	Petitioner
Vs.		
Tushar Sitaram Garg	]	Respondent

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Mr. Anand Mishra a/w A.M. Saraogi, for Petitioner.
Mr. Siddesh Samel a/w Aishwarya Pagare i/b Rajeev Sawant & Associates, for Respondent.

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CORAM : R.G. KETKAR, J.

DATE : 1st FEBURARY, 2019.

P.C.

Heard Mr. Mishra, learned Counsel for the petitioner and Mr. Samel, learned Counsel for the respondent, at length.

2. This matter was heard on 31st January, 2019 i.e yesterday. Mr. Mishra submitted that birthday of Diva Garg is on 1st February, 2019. Hence, notice was issued to the respondent returnable on 1st February, 2019 i.e today. Hamdast was permitted. In pursuance thereof, Mr. Samel appears on notice. On instructions, he states that the respondent has no objection if the petitioner is permitted to meet daughter Diva Garg between 4.30 p.m and 6.00 p.m today at the residence of the respondent and the respondent will not cause any obstruction. The petitioner undertakes that after meeting the child between 4.30 p.m and 6.00 p.m today at the residence of the respondent, she will leave residence of the respondent.

3. In view thereof, the petitioner is permitted to meet daughter Diva Garg today between 4.30 and 6.00 p.m at the residence of the respondent. The respondent and/or his family members will not cause any obstruction. The petitioner will thereafter leave the residence of the respondent.
4. Mr. Mishra submitted the the petitioner has filed custody petition on 10th December, 2018. He further states that separate application for interim access is filed in the Family Court. Family Court, however, has given returnable date in March, 2019. He submitted that the learned trial Judge may be directed to dispose of the interim application at the earliest.
5. In view thereof, the learned trial Judge is requested to dispose of the interim application as expeditiously as possible and in any case, within 8 weeks from production of the authenticated copy of this order. All contentions of the parties on merits are expressly kept open.
6. Writ Petition is disposed of in the aforesaid terms with no order as to costs.
7. All the parties to act upon the authenticated copy of this order.

[R.G. KETKAR, J.]