

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION [F] NO. 4040/2019
IN FIRST APPEAL NO. 277/2018.

Ms. Pallavi Amit Gampawar

-VERSUS-

Amit Vijayrao Gampawar.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri Anil Kumar, Advocate for the Appellant/Applicant.
Ms. A.Kawale, Advocate h/f. Shri C.S. Dharmadhikari,
Advocate for Respondent.

CORAM : VINAY JOSHI, J.

DATE : 13.12.2019.

Heard.

2. The applicant/appellant/wife by this application is seeking exemption from producing the child on each and every date in the Court of District Judge, Pusa, where custody matter is going on.

3. Earlier there was a jurisdictional issue for which the matter has come to this Court. On 03.05.2018, this Court has passed interim orders, granting visitation right to father on any date as per

2

his choice, with a stipulation of giving advance intimation. Thereafter, the issue regarding jurisdiction was settled before this Court and while disposing of the First Appeal, wife made a statement that she will bring the child on each date of hearing before the learned District Judge, Pusad so that the respondent – father can meet the child.

4. In the wake of such background, the appellant/wife is seeking exemption on the premise that the distance between her residence at Chandrapur and Pusad is 300 kms. The child is barely 3 ½ years of age and due to winter season it is difficult for her to produce the child before the Court on each and every date by traveling such a long distance. Infact at present, nothing is pending before the Court. The District Judge who is ceased of the matter can take a call on the point whether the child should be produced in the Court or not.

5. The applicant/wife is ready to abide by the order of grant of visitation right passed by this Court on 03.05.2018. In view of said statement, the visitation rights are permitted as per the arrangement made by this Court on 03.05.2018.

3

6. The child is exempted from producing before the Pusad Court. Needless to mention that if the respondent-husband insists for presence of child in the Pusad Court, then the said Court has to decide the matter in accordance with the necessity and legal provisions.

7. It is brought to the notice of this Court that despite extension of time, the learned District Judge has not decided the matter. Considering the exigency and welfare of the child, the learned District Judge is directed to make every endeavor to decide the matter within a period of three months from the date of receipt of this order. Both the parties are directed to cooperate with the said Court.

8. Civil Application is disposed of accordingly. No costs.

JUDGE

Rgd.