

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 7984 OF 2019**

Smt. Vipula Uttam Magdum

.....Petitioner

Vs.

Shri. Uttam Mahaveer Magdum

.....Respondent.

Mr. D.V. Sutar for the Petitioner.

Smt. Vrushali Gujarathi i/by U.P. Warunjikar for the Respondent.

CORAM : A. S. GADKARI, J.**DATE : 13th MARCH, 2020.****PC.:-**

By the impugned Order dated 3rd June, 2019, the Trial Court, as and by way of *ad-litem* arrangement has permitted the Respondent-father to meet and to have temporary custody of his biological daughter namely Ms. Swara on every 2nd and 4th Saturday and Sunday between 1 p.m. to 5.00 p.m.. It is directed that, after 5 p.m., Respondent-father shall hand over the custody of the said minor child to the Petitioner-mother.

2 The record indicates that, by an Order dated 19th December, 2019 the predecessor-in-title of this Court had directed the Petitioner to ensure that, the Respondent-father is able to visit the child, which is in her custody on two days (mentioned therein) any time between 10 a.m. to 6 p.m..

3 It appears to this Court that, the Petitioner-mother is

unnecessarily creating hurdle in not allowing the Respondent-father to meet their own biological daughter namely Ms. Swara during the pendency of the Application filed by the Respondent-father under Sections 9 and 25 of the Guardian and Wards Act, 1980.

4 Perusal of record would indicate that, it is necessary for the said minor child also to meet the Respondent-father frequently for her overall welfare. In view thereof and by following the precedent of Order dated 19th December, 2019, this Court by exercising its power under Article 227 of the Constitution of India, deems it appropriate and necessary to further modify the impugned Order dated 3rd June, 2019.

5 The Petitioner-mother is hereby further directed to ensure that, the Respondent-father is able to visit and have temporary custody of the said minor child namely Ms. Swara on every Saturday and Sunday between 10.00 a.m. to 5.00 p.m.

The Respondent-father will collect/pick up the said minor child namely Ms. Swara from the custody of the Petitioner-mother from her residence and will drop her back at the residential address of the Petitioner-mother on or before 6.00 p.m. of the said days.

Impugned order dated 3rd June, 2019, is accordingly modified.

6 Petition is accordingly disposed off in the above terms.

(A.S. GADKARI, J.)