

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Civil Application NO. 76 OF 2019
IN
Family Court Appeal NO. 163 OF 2018

Shri. Ahtesham Abdul Bari	...Applicant
IN THE MATTER BETWEEN	
Shri. Ahtesham Abdul Bari	...Appellant
<i>Versus</i>	
Mrs. Almas Begam	...Respondent

....

Mr. Mainuddin Ahmed Khan, Advocate for the Applicant.
Mr. A.M. Pathan, Advocate for the Respondent.

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**CORAM : K.K. TATED &
SARANG V. KOTWAL, JJ.**

DATE : 13th JANUARY, 2020

PC.

1. Heard learned Counsel for the parties.
2. By this Civil Application, the applicant–father is seeking access of his son Master Arshan on any terms as this Hon’ble Court deem fit and proper.
3. Learned Counsel Mr.A.M. Pathan appearing on behalf of the respondent-wife tendered affidavit dated 13.1.2020 in the Court today. Same is taken on record.
4. Learned Advocate Mr.M.A. Khan appearing on behalf of the applicant–father submits that the at present the applicant-father

is in India till 4th February, 2020. Hence, he is insisting access of his son Master Arshan on Saturday and Sunday till 2nd February, 2020 only.

5. After arguing the matter for some time, Advocate Mr.A.M. Pathan appearing on behalf of the respondent–wife, after taking instructions from his client who is present in the Court, makes a statement that she can allow the applicant–father to meet son Master Arshan in the Family Court premises at Thane. He further submits that on 18th January, 2020, 25th January, 2020 and 1st February, 2020, i.e. on Saturdays, the respondent–wife will take Master Arshan in Thane Family Court premises at 4:00 p.m. so that the applicant–father can meet the child from 4:00 p.m. to 7:00 p.m. He further submits that in similar way, on 19th January, 2020, 26th January, 2020 and 2nd February, 2020, i.e. on Sundays, the respondent–wife will take Master Arshan in Thane Family Court premises in morning at 11 O’Clock so that the applicant–father can meet the child from 11:00 a.m. to 2:00 p.m.. He further makes a statement that the respondent–wife will not remain present at the time of access of child to the applicant–father. Statements are accepted.

6. Considering these facts, by consent of both the parties, the following order is passed :

- i. The applicant–father is entitled to access of the child Master Arshan on 18th January, 2020, 25th January, 2020 and 1st February, 2020, i.e. on Saturdays, between 4:00

p.m. to 7:00 p.m. and on 19th January, 2020, 26th January, 2020 and 2nd February, 2020, i.e. on Sundays, between 11:00 a.m. to 2:00 p.m. at the premises of Thane Family Court, Thane.

- ii. The respondent–wife shall bring the child on those days in the Family Court, Thane without fail.
- iii. It is made clear that the respondent–wife will not remain present at the time of access given to the applicant–father.
- iv. The Family Court at Thane is directed to submit the report of these access and the behaviour of the parents and child at the time of access, to this Court in a sealed envelope before 16th February, 2020.
- v. Civil Application stands disposed of accordingly.
- vi. No order as to costs.
- vii. Parties to act upon the authenticated copy of this order.

(SARANG V. KOTWAL, J.)

(K.K. TATED, J.)

Deshmane (PS)