

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

WRIT PETITION NO. 5330 OF 2021

**SNEHA
NITIN
CHAVAN**

Digitally signed by
SNEHA NITIN
CHAVAN
Date: 2021.09.09
15:35:40 +0530

Jaya Manoharlal Agrawal
V/s.

..Petitioner

The State of Maharashtra and Anr.

..Respondents

Mr. Rahul Motkari for the Petitioner.

Mr. PP. Pujari, AGP for the Respondent No.1/State.

Mr. Sandesh Patil for the Respondent No.2.

CORAM : C.V. BHADANG, J.

**DATE : 09 SEPTEMBER, 2021
(Through Video Conferencing)**

PC.

1. Heard the learned counsel for the parties.

2. The Petitioner has filed Guardianship Petition No. 162 of 2020 before the learned District Judge at Thane for custody of the minor child. The Petitioner is challenging the order dated 05.04.2021, by which the learned District Judge has refused to grant interim custody of the child. It transpires during the course of hearing that the petition for custody is ripe for hearing.

3. The learned counsel for the Petitioner submitted that the Petitioner, who is the mother of child is not even getting access. It is submitted that on some occasions, the Petitioner was allowed to meet the child for about 15 minutes which is not sufficient.

4. The learned counsel for the Petitioner states that the Petitioner shall file an appropriate application for access before the learned District Judge.

5. In the circumstances, the petition is disposed of with liberty to the Petitioner to file an appropriate application for access. If such an application is filed, the learned District Judge shall decide the application and the main petition as expeditiously as possible on its own merits and in accordance with law.

6. The rival contentions on merits are left open.

7. In the circumstances, there shall be no order as to costs.

C.V. BHADANG, J.