

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

WRIT PETITION NO. 7445 OF 2021

Adity Yatish Giri Nee Adity Hemant Samant	...Petitioner
<i><u>Versus</u></i>	
Yatish Giribabu Giri	...Respondent

....
Mr. Rajendra Desai i/b Adv. Prabha Badadare for the Petitioner.
Adv. Pipli Datta a/w Mr. Yogendra Giri for the Respondent.
....

CORAM : SURENDRA P. TAVADE, J.

DATE : 1st NOVEMBER, 2021.

P.C. :

. Heard learned Counsel appearing for the Petitioner and Respondent.

2. This is an application for modification in the order dated 25th October, 2021, below Exhibit-32, in the Petition No. D-4/2019 passed by the Family Court, at Bandra. By this order the Petitioner has given access to his son Vihaan on 05th November, 2021, from 9.00 a.m. to 8.00 p.m. Learned Counsel for the Petitioner submits that since last two years, the son of the Petitioner never met the Respondent alone. Every time, during last one and half years, the access was given to the Petitioner's son through V. C., therefore, there is possibility that the

son may not be comfortable with the Respondent during the access period. Hence, learned Counsel for the Petitioner prays that the Petitioner may be allowed to accompany the son Vihaan during the access period and she would stay away from the Respondent and son Vihaan.

3. On the other hand learned Counsel for the Respondent submits that, from the last two years the Respondent did not get physical access with the son due to pandemic, therefore, the Family Court has deliberately passed the order. Hence, there is no need to interfere in the order of the Family Court. During the last one and half years, there is no physical access between the Respondent and his son Vihaan. Therefore, specifically access has been given for eleven hours, but the place of access is not specified in the order. Even if the submissions of the Applicant are accepted, there will be a problem for the Respondent to have a free access with the son Vihaan. The said access was given for a day only, therefore, I am not incline to modify the order passed by the Family Court. But I must mention that the Petitioner is at liberty to mention any incidence happened to her son while having access, to the Family Court.

4. The Writ Petition stands disposed of accordingly.

(SURENDRA P. TAVADE, J.)