

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

CIVIL APPLICATION (CAW) NO. 25 OF 2021 IN
WRIT PETITION NO. 7909 of 2019

Sau Snehal w/o Vinay Tiwari

...Versus...

Vinay s/o Motilal Tiwari

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

Court's or Judge's orders

Shri S.P. Bhandarkar, Advocate for applicant/respondent
Shri A.H. Joshi, Advocate for non-applicant/petitioner

CORAM : N.B.SURYAWANSHI, J.

DATE : 06/07/2021

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard the learned Advocate for the applicant and the learned Advocate for the non-applicant.

3. This application is filed seeking visitation rights to the applicant – wife to meet her daughter on every Sunday for a period of two hours till the decision of the present Writ Petition.

4. The wife claims that daughter Ananya was taken away by the husband on 19/01/2019. At that time she was four years old. Since then the husband has not allowed the wife to meet the daughter. The wife filed Misc. Civil Application No.77/2019 on 22/08/2019 under Section 25 of the Guardians and Wards Act, 1890. The husband filed

application at Exh.11, seeking dismissal of application filed by the wife, for want of jurisdiction. The District Court has rejected the husband's application vide order dated 21/11/2019. The said order is challenged by the husband in the present Writ Petition.

5. The wife claims that since last more than twenty two months she is denied access to the daughter. Therefore, she has prayed for visitation rights.

6. Heard the learned Advocate for the wife - applicant and the learned Advocate for the husband - non-applicant.

7. The learned Advocate for the non-applicant contended that taking into consideration the pandemic situation, the application filed by the wife may be rejected. He further submitted that the wife may visit the house of husband to meet the daughter but at no other outside place is safe due to pandemic.

8. Taking into consideration the aforestated facts, the Civil Application is allowed. The applicant – wife is permitted to visit daughter Ananya on every Sunday at the house of husband between 11.00 a.m. to 1.00 p.m. The husband shall pay the wife to and fro travelling expenses for travelling from Ballarpur, Distt. Chandrapur to Dhantoli, Nagpur for every visit.

JUDGE