

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

918 WRIT PETITION NO.12285 OF 2021

**RICHARD JOHN D SOUZA
VERSUS
ASHITA RICHARD DISOUZA**

...
Advocate for Petitioner : Mr.Jagtap Manjusha S.

...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 02.08.2022.

PER COURT :

1. Heard the learned Advocate for the petitioner.
2. The petitioner and the respondent is a separated couple litigating in the Family Court. She has filed a petition for divorce, whereas, he is prosecuting the petition for restitution of conjugal rights.
3. The dispute pertains to the visitation right. The trial Court by order on the application (Exh. 12), allowed his application partly on 26.08.2019 and gave visitation right to meet children on every first, third and fifth Saturday and allow the petitioner to meet the children between 11.00 a.m. to 2.00 p.m., in the Court premises.

The petitioner never challenged that order. It appears that he subsequently sought its modification by moving an application (Exh. 35) and requested the Court to permit him to take the children to his home, on every Saturday and Sunday. The trial Court is still to pass final order on this application.

4. The petitioner is now seeking to challenge the original order after lapse of almost three years. We do not see sufficient and cogent reason to entertain the petition. The petition is dismissed.

5. We make it clear that the family Court may pass appropriate order on the application (Exh. 35) on its own merits.

(SANDEEP V. MARNE)
JUDGE

(MANGESH S. PATIL)
JUDGE

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