

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9508 OF 2022

Saurav Gulshan Bhatia

...Petitioner

Vs.

Bijal Vyas Bhatia Nee Bijal Akshay Vyas

...Respondent

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Mr.Sandesh D. Patil i/b Mr.Tanu Khattri for the Petitioner.

Ms.Nityoah S. Mehta a/w Ms.Ruchi Turakhia i/b Nityoah Suneel
& Associates for the Respondent.

CORAM : C.V. BHADANG, J.

DATE : 11 AUGUST 2022

P.C.

. The challenge in this Petition, at the instance of the Petitioner-father, is to the order dated 27 May 2022 passed by the Family Court at Mumbai on Interim Application No.86 of 2022 in Petition No.A-1941/2019, below Exhibit-64. By the impugned order the Family Court has granted interim access to the Petitioner of the child during the summer vacation from 28 May 2022 to 2 June 2022 on the conditions as mentioned in Clause-(2) of the operative order.

2. The learned counsel for the Petitioner, submitted that the access could not have been granted in the Children's

Complex in Family Court at Mumbai. He pointed out, an earlier order passed by this Court on 23 December 2021 in WP No.9449 of 2021 by which access was granted in a Star Hotel mutually agreed by the parties.

3. The learned counsel for the Respondent states that the challenge has rendered itself infructuous, inasmuch as the summer vacation is over. She submitted that the petitioner did not avail of the access granted by the impugned order and has not even complied with the monetary part of the order by paying Rs.2,500/- per day. She submitted that it is convenient and is in the interest of the child that the access is given in the Family Court Complex.

4. I have considered the circumstances and the submissions made. It can be seen that the challenge in this Petition is to the order granting access during the summer vacation which is already over and therefore as rightly submitted on behalf of the Respondent the Petition has become infructuous.

5. At this stage, the learned counsel for the Petitioner submits that the Petitioner shall file a fresh Application before the Family Court for grant of interim access during the pendency of the Petition.

6. In such circumstances, the Petition is disposed of.

7. The Petitioner would be at liberty to file an Application for grant of interim access during the pendency of the petition, if so advised, within a period of three weeks from today.

8. If such an Application is filed the learned Family Court shall decide the same on its own merits and in accordance with law and without being influenced by the observations and the findings in the impugned order.

Rival contentions of the parties are left open.

C.V. BHADANG, J.