

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

VAISHALI
ANIL
TIKAM

CIVIL REVISION APPLICATION No. 317 OF 2022

Vishnu Kaluram Matera and Ors.

...Applicants

Vs.

Praful Hiranman Dhapshi

...Respondent

* * * *

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Ms. Sabiha S. Shaikh for Applicants

Mr. P.S. Gole i/b. Chitan Y. Shah for Respondent

Coram : Sandeep K. Shinde, J.**Dated: 25th August, 2022.****P.C. :**

1. In the proceedings initiated by the Respondent-father, under Section 6 of the Hindu Minority and Guardianship Act, 1956. The Learned Additional Sessions Judge, passed the following interim order on 6th May, 2022.

“1] Application is allowed.

2] The applicant is directed to take minor child Kartik with him at his home on every second Saturday and Sunday and 4th Saturday and Sunday regularly.

3] The applicant shall take the child at morning on Saturday and shall leave the child on Monday morning at the house of respondent.

4] The arrangement shall continue till further order.”

2. The correctness of that order is questioned in this application.

3. Admittedly, minor daughter Janavi, is in custody and under care of her father. Whereas, Kartik, 2 year and 7 months old son is in custody and care of his maternal grand mother, since after demise of Savita, wife of the Respondent. In consideration of the peculiar fact that minor Kartik, is hardly 3 year old, in my view, it would not be appropriate to allow the Respondent-father to take his custody for two days as ordered. Even otherwise, father has been given visitation rights, which he can exercise subject to conditions imposed in the impugned order. For these reasons, I deem it appropriate to suspend the operation of clause (2) of the impugned order until the disposal of the main application.

4. In any case, the next date scheduled before the Trial Court is 16th September, 2022 for hearing of the main application. Having considered the facts of the case, the Learned Trial Court shall endeavor to conclude the application expeditiously and, preferably, within three months i.e. on or before 30th November, 2022, and until then the Respondent-father, shall have visitation

rights in terms of clause (3) of the impugned order dated 6th May, 2022.

5. The application is partly allowed in aforesaid terms and disposed of accordingly.

6. It is clarified that the Learned Trial Court shall decide the application of the Respondent -father independently and without being influenced by the order of this Court and in accordance with law.

(Sandeep K. Shinde, J.)