

Pooja K.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 118 OF 2022

Shakuntala Pralhad Pande	... Applicant
<i>Versus</i>	
Swapna Uday Pande and Anr.	... Respondents

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Mr. U.L. Telgaonkar – Advocate for Applicant
Mr. S.S. Koranne – Advocate for Respondents

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CORAM: GAURI GODSE, J.
DATE: 22nd February 2023

PER COURT :

1. This Civil Revision Application is filed to challenge the judgment and order dated 25th August 2022 passed by the learned District Judge-3, Aurangabad, in Civil Miscellaneous Application No.75 of 2020. The said Miscellaneous Application was filed by the present applicant, who is the paternal grandmother of minor child “Nilay”, for seeking visitation rights. The application is filed under Section 13 of the Hindu Minority and Guardianship Act, 1956 and Section 17 of the Guardians and Wards Act, 1890. Nilay is in the custody of his mother, Respondent No.1. Nilay is made party Respondent

No.2.

2. It is submitted on behalf of the applicant that her son, who was the father of Nilay, expired on 16th October 2018 and till his death, Nilay was residing in the joint family along with the applicant. It is further the applicant's case that, after her son's death, respondent no.1 left the matrimonial home, and she is not allowing the applicant to meet Nilay. Hence, the application is filed only for visitation rights.
3. Learned counsel appearing for the respondents submitted that the applicant has no legal right to insist on visitation rights. He further submitted that the applicant had never filed any custody application, and the application is for simpliciter visitation rights. He submitted that, after considering the facts on record, the learned District Judge has rightly rejected the application by considering the minor child's paramount interest. He, therefore, submitted that the present Civil Revision Application deserves to be dismissed as there is no merit in the submissions made on behalf of the applicant.

4. I have perused the record of the civil revision application. I have considered the submissions made on behalf of both parties. The learned District Judge has considered all the facts and circumstances of the case and has also considered what would be in the paramount interest of the minor child Nilay. The learned District Judge has also considered Nilay's age, who was nearly 17 years on the date of passing the impugned order. Hence, considering that Nilay was studying in the 10th standard and he was at his crucial age and crucial time of his education, it was not in the interest of Nilay to allow the application at that stage. The learned District Judge has observed that, after the death of the father of Nilay in the year 2018, the applicant never met Nilay and that Nilay was, unfortunately, facing litigation and disputes between the applicant and respondent no.1. Hence, by considering the interest of Nilay, the learned District Judge has rightly rejected the application filed by the applicant.
5. Regarding the entitlement of the applicant to claim visitation rights, the learned counsel appearing for the applicant cannot point out any legal right to insist on visitation rights to meet

Nilay, who is in the custody of respondent no.1, who is his mother and natural guardian. I do not find any illegality or perversity in the reasons recorded by the learned District Judge. The learned Judge has rightly appreciated what will be in the interest of Nilay. I do not see any reason to interfere with the impugned order in such circumstances. There is no merit in the Civil Revision Application. Hence, the Civil Revision Application is dismissed.

[GAURI GODSE]
JUDGE