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Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 381 OF 2023
IN
WRIT PETITION NO. 8960 OF 2019

Deepak Lalitprasad Pant .. Applicant

Vs.

Madhurima Deepak Pant .. Respondent

.....

Mr. Dushyant Purekar a/w Mr. Rajat Dedhia for the applicant

Mr. Firoza Daruwala i/b Ms. Prabha Uday Badadare a/w Ms. Ritika
Bharadia, Dhvani Daftary for the respondent

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 3rd MAY, 2023

P.C.

1. This is an application by the applicant – father with following
substantive prayers.

“(a) Rule be issued;

*(b) Respondent kindly be directed to provide daily
access to son Ayush so that the Applicant can help in son
Ayush’s recovery;*

*(c) That the counselling at Nair hospital be stopped
and an alternate counsellor be appointed;*

(d) *This Hon'ble court kindly be pleased to vacate the stay granted by this Hon'ble Court as per Order dt. 22.10.2019 on the common order dated 21.06.2019 below Ex.42 and 51 and order dt. 05.07.2019 below Ex. 65 passed by Ld. Family Court-2, Bandra, Mumbai in Petition A-1790 of 2016 as per prayers in IA-19403/2022 and IA-19822/2022 as according to Supreme Court Judgment a stay order cannot be indefinite and whenever a stay has been granted by any court including the High Court automatically expires within a period of six months, and unless extension is granted for good reason.*

(e) *Till the final disposal of the Writ Petition the Applicant be allowed to avail access of the minor son daily access to son Ayush between 6pm – 9pm under such terms and conditions as this Hon'ble court may deem fit in the interest of Justice as per prayers in IA-19403/2022.*

(f) *Till the final disposal of the Writ Petition the Applicant be allowed to avail overnight weekend access to son Ayush from Friday evening to Monday morning as per prayers in IA-19403/2022;*

(g) *That this Hon'ble Court be pleased to issue any order or direction to the Respondent to allow the minor child to spend 50 percent of forthcoming vacations along with overnight stay with the Applicant on such terms and conditions as this Hon'ble Court may deem fit in the interest of Justice as per prayers in IA-19403/2022;*

(h) *That this Hon'ble Court appoint a court commissioner to facilitate the access as per prayers in IA-19403/2022;*

(i) *That the Respondent kindly be fined with cost of Rs.50,000/- for every single breach of access/custody order and said Respondent kindly be directed to make Fixed Deposits in name of children using this costs imposed on her;*

(j) That Respondent's Writ Petition-8960/2019 pending before this Hon'ble Court and Respondent's Divorce Petition A-1790/2016 pending before this Hon'ble Court kindly be dismissed under the provisions of Order 39 Rule 11 of CPC for any further intentional and willfully breach of orders of Hon'ble Court;

(k) That Civil Writ Petition 8960/2019 be heard at the earliest;

(l) That interim and ad-interim reliefs in terms of prayer (b), (c), (d), (e), (f), (g), (h), (I), (j) and (k) above;

(m) Any other just order kindly be passed considering only and only the best interest and welfare of the children."

2. This Court by an order dated 20th January, 2023 stated that the parties were referred to the Counseling Center at Nair Hospital where at that point of time, process of counseling was going on. It was *inter alia* directed to the Counselor to submit his report after following the procedure.

3. Today, the report of Counselor is placed on record. A panel of three comprising Dr. Henal Shah, Professor and HOU Department of Psychiatry, Dr. Prajakta Patkar, Assistant Professor, and Ms. Manasi Joshi, Clinical Psychologist has submitted an elaborate report. The summary and conclusion reads as under :-

“Summary

Currently there is bitterness in the relationship with mistrust. The child is extremely reluctant to meet the father. The father keeps pushing to be in the same room as the child and requests for joint sessions. However in the current state, the child will not cooperate and it will be futile. Much therapeutic work needs to be done for this to be attempted.

Conclusion

From our understanding to achieve a cordial relation and interaction between father and child a long process may the following will have to be tried.

- 1. Rapport building for child. Trust building followed by therapy to facilitate change in the mind-set of child.*
 - 2. Concurrently the parents need to cooperate. They too may have to implement changes suggested by us to foster the relationship.*
 - 3. This process can be attempted. However the time and the outcome cannot be predetermined. If parents and child agree to the above they can be sent for counselling.”*
4. In view of the said summary and conclusion, Interim Application No. 381 of 2023 stands rejected.
5. List the petition on **14th June, 2023.**

(PRITHVIRAJ K. CHAVAN, J.)