

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5827 OF 2023

Sharyau Tanajai Patil	...Petitioner
Versus	
Abhijit Shankarrao Patil	...Respondent

Mr. Kush M. Lahankar, *for the Petitioner.*

Mr. Pankaj Deokar, *for the Respondent.*

CORAM: RAJESH S. PATIL, J

DATED: 9th May, 2023

PC:-

1. This Writ Petition is filed by wife challenging Para/Direction No.3 (vii) of the impugned order dated 27th March 2023 passed below Exhibit-145 by the District Judge-5, At Baramati, District Pune.

2. The operative part of the impugned order dated 27th March 2023, Para/Direction No.3 (vii) reads as under :-

“VII. In the summer and winter vacation the petitioner is allowed to take Master Ajnish with him for period of one week subject to the petitioner supply itinerary in advance i.e. at least one month in advance to the respondent. petitioner shall not entitled to take Master Ajnish out of the Maharashtra in the said period of one week of vacation.”

3. Therefore, by the impugned order the Respondent-Husband was allowed to meet his son master Ajnish for a period of one week subject to supply the itinerary in advance, i.e., at least one month. According to the Respondent-Husband has supplied his itinerary on 17th April 2023. The said itinerary in unnumbered paragraph Page No.3 reads as under :

“As per the above court order, I would like to take Ajnish for one week visitation from May 24, 2023, till May 31, 2023. During this time, we would like to visit following places.

- *Kolhapur House and Mahalaxmi Temple*
- *Ganpatipule*
- *Ratnagiri*
- *Radhanagari wildlife sanctuary*

4. The said Petitioner's wife has apprehension that the Respondent-Husband might take advantage of this order and might fly away to USA alongwith his son, as his son is a USA citizen so also the Respondent-Husband as an H-1B visa.

5. The learned Advocate for the Respondent has opposed his

application and says that this is based on wrong presumption. The Respondent through his Advocate undertakes that he will not do any of the things as mentioned by the Petitioner.

6. According to me, the Respondent-Husband, be allowed to travel with his son for one week from 24th May 2023 till 31st May 2023 to all the sites mentioned in his communication dated 17th April 2023.

7. Suffice would be the purpose if the passport of the Respondent-Husband would be deposited by him in the District Court, Baramati for the period from 22nd May 2023 till 1st June 2023. The District Court, Baramati will return the passport of the Respondent-Husband after 1st June 2023 immediately.

8. The Writ Petition is accordingly disposed of.

9. However, the parties who are present before me, i.e., the Petitioner (wife) along with her father who is also respected Advocate practicing in the District Court, Baramati, along with their Advocate Mr. Kush M. Lahankar and the Advocate for the Respondent (Husband)

Mr. Pankaj Deokar state that they will make an attempt to see whether both husband and wife can resolve their disputes and the marriage can be saved not for anything else but at least for their son Master Ajnish for the welfare of their son Master Ajnish which is for paramount consideration of both the husband and wife who have natural love and affection towards him. The Petitioner and Respondent No.1 can meet when the Conciliation Officer of the District Court Baramati is present. Both lawyers agree that they will jointly make such an application before the Conciliation Officer at Baramati, District-Pune.

10 If all the directions as mentioned above are complied with, and the parties are satisfied with the same. The parties are at liberty to apply for same condition as mentioned above in winter vacation to the District Court, Baramati.

(RAJESH S. PATIL,J.)