

AGK

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

WRIT PETITION NO.5267 OF 2021

Chaitannya Shashikant Tandale ... Petitioner

V/s.

Sukhada Dilip Khandekar ... Respondent

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Mr. Sherin Baby with Ms. Manpreet Kaur i/by Falcon
Legal for the petitioner.

Ms. Seema Sarnaik with Ms. Sangeeta Salvi and Ms.
Kavita Yadav for the respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 17, 2023

P.C.:

1. The petitioner is challenging order dated 10th June 2021 rejecting petitioner's application seeking temporary custody of the child. Undisputedly, the custody of the child is with the mother for last eleven (11) years. In such situation, the course available with the non-custodial parent is initially to apply for visitation rights. On adjudication of such rights, the application for overnight access can be considered by the Court and once the child become used to the non-custodial parent, thereafter the Court needs to consider the application for temporary custody.

2. As observed earlier, child custody is with the mother for last eleven (11) years, therefore, at this stage no interference in writ

jurisdiction is called for. However, the petitioner will be at liberty to file or enforce rights seeking custody of child.

3. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)