

VRJ

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

WRIT PETITION NO.9692 OF 2023

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Neha Yashodhan Pise

... Petitioner

V/s.

Yashodhan Hari Pise

... Respondent

Mr. Akshay Kandarkar with Ms. Ruchika Indalkar i/by
Mr. Umesh S. Iyer for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 6, 2023

P.C.:

1. By this petition under Article 227 of the Constitution of India, the petitioner is challenging order dated 15th March 2023 passed by the Judge, Family Court No.3, Pune in Marriage Petition No.PA. No.2347 of 2022 rejecting application filed by the wife seeking direction against the husband to sign and execute documentation and formalities for Visa and travel of their daughter age six years to USA.

2. The petitioner filed Marriage Petition No.PA. No.2347 of 2022 seeking divorce under section 13(1)(ia) of the Hindu Marriage Act, 1955. On 22nd August 2017, daughter Madhulika was born in the said wedlock.

3. According to the petitioner, she is working with organization SLB, Pune office since 30th September 2019. Now she is offered

new position as Intra Company Transfer to Houston office of same organization. The offer is for a period of three years initially which can be extended for two more years. Therefore, minor daughter is entitled to travel with her on L2 (dependent) Visa. The expected date of joining of petitioner was February 2023. However, due to lack of cooperation from the husband, she is unable to get Visa as the respondent's signature would be necessary for travel of daughter along with her.

4. The petitioner, therefore, filed an application before the Family Court, Pune. The Family Court, Pune rejected the application on the ground that the date of joining was mentioned as 1st December 2022. The petitioner failed to explain reason for not moving application in time. Moreover, the petitioner failed to supply better particulars regarding her job details in USA. The issue of custody is not yet decided.

5. This Court, on 1st September 2023, issued notice for final disposal to the respondent. The petitioner has filed affidavit of service.

6. Considering the statement on oath made in paragraph No.11 of the petition, it is necessary to direct the respondent to sign and execute documentation and formalities for Visa and travel of minor daughter to the USA.

7. It is made clear that passing of this order shall have no effect on the adjudication of custody of the minor daughter.

8. The petitioner who is present in the Court states that the respondent-husband has not filed application for interim custody

of the child.

9. Hence, following order:

The application below Exhibit-8 in Marriage Petition No.PA. No.2347 of 2022 is allowed.

10. This order shall not affect the adjudication as regards custody of the minor daughter.

11. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)