

Harish

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13269 OF 2023

Prajakta Amit Karekar

Alias Prajakta Vishwas Narvekar

...Petitioner

Versus

Amit Tulsidas Karekar

...Respondent

Ms. Parul Vedak i/b Parul Vedak & Associates for the Petitioner.

Mr. Gunjan Shah for the Respondent.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : NOVEMBER 30, 2023

P. C. :

1. Heard.

2. The challenge in the Petition is to the order dated 17th May, 2023, allowing the Respondent's Application below Exhibit-20 partly and directing the Petitioner to give the overnight access of the minor child from second Saturday to Sunday i.e. one weekend in the month and 50% vacation access.

3. At the outset, the grievance made was that the Petitioner was not heard and in fact what was argued before the Family court was an

Application for maintenance.

4. This Court called upon the counsel for the Petitioner to canvass her submissions on the order below Exhibit-20 granting access as to why the access of the minor child should not be given to the Respondent father. Despite repeatedly calling upon the learned counsel for the Petitioner to advance relevant submissions, no submissions were canvassed to assail the order of access.

5. Learned counsel appearing for the Petitioner is also unable to point out any perversity in the order dated 17th May, 2023 granting access. Except arguing on the periphery as regards the Application for maintenance as well as the Application filed under Order 7 Rule 11, no relevant submissions were advanced.

6. Perusal of the impugned order, would indicate that the Family Court had heard both sides at length and after hearing the parties, the Application had been decided on merits. The order was passed on 17th May, 2023 and if the contention of the Petitioner was that the arguments were advanced on the maintenance Application and not the Application for access, the Petitioner should have approached the Family Court by filing an Application for review. For the first time before this Court the submission is made that the Petitioner was not heard in the Application

below Exhibit-20. It is settled that the judicial records have to be believed and the order of the Family Court clearly records that both sides were heard at length. As the learned counsel for the Petitioner, despite repeatedly called upon by this Court, has not been able to demonstrate any perversity in the impugned order, this Court is constrained to dismiss the Petition.

7. Petition stands dismissed.

(SHARMILA U. DESHMUKH, J.)