

Nikita

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

WRIT PETITION NO.13630 OF 2022

NIKITA
KAILAS
DARADE
Digitally signed by
NIKITA KAILAS
DARADE
Date: 2023.09.30
10:26:32 +05:30

Vipul Vijay Patki

... Petitioner

V/s.

Shweta Vipul Patki

... Respondent

Mr.Aditya Andhorikar, for the Petitioner.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 29, 2023

P.C.:

1. The petitioner had filed an application for referring child to the Child Psychologist. The said application was filed in an application under Section 10 of the Guardian and Wards Act, 1890. At the time of the filing of the petition, the age of the child was six years.
2. Initially petitioner was granted access to the child, however due to some incidents, the child started refusing to meet the petitioner.
3. The petitioner, therefore, filed an application for referring child to the Child Psychologist.
4. This Court by order dated 14th December 2022, issued notice to the respondent. Office report dated 1st September 2023,

indicates that the respondent is served through Court.

5. It is not in dispute that the petitioner is the father of the child. It is in the interest of the child that he gets access to both the parents. The application made by the petitioner, to refer to child to the Child Psychologist, in my opinion, appears to be reasonable. It is, therefore, necessary that child should be referred to the Child Psychologist as decided by the Trial Court.

6. The Trial Court based on report of child Psychologist shall decide whether the prayer for access to the child is to be granted or not. Hence following order:

- a) The impugned order dated 14th July 2022, passed by Judge Family Court Thane, on application below Exhibit 11, is quashed and set aside.
- b) The application below Exhibit 11 in petition No.1/21 is allowed.
- c) The Trial Court shall pass appropriate order as regards access of petitioner to the child after receipt of Child Psychologist.
- d) The Family Court shall pass appropriate order after appointing Child Psychologist.

7. The writ petition stands disposed of.

(AMIT BORKAR, J.)