

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15884 OF 2023

Shri. Pranav Mukund Pathak

..Petitioner

Versus

Mrs. Amruta Pranav Pathak

..Respondent

Ms. Rohini Wagh a/w Varsha Shetty, for the Petitioner.

Ms. Duhita Desai, for the Respondent.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 22nd DECEMBER, 2023

PC.

1. Heard.

2. By this Petition, the challenge is to the order dated 13th December, 2023 passed by the Family Court allowing the access of the minor children in Sahara Centre, Dubai from 23rd December to 27th December, 2023 in the day time from 12 noon to 9 p.m. By the said order, the Respondent was directed not to bring other family members or friends or colleagues while availing access of the children.

3. Submission of learned counsel appearing for the Petitioner is that the grandparents of the children wants to meet the children and the order of the Family Court be modified to the extent to permit the grandparents to meet the children. She would further

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submit that Family Court has observed that the children are very small and hence, it is not desirable that the children would stay in the hotel room with the father. She would further submit that as the access has been granted from 12 noon to 9 p.m. and the children rest in the afternoon, the children may be permitted to stay in the hotel with the father.

4. This is countered by the learned counsel appearing for the Respondent on the ground that when in past such access was allowed, the Petitioner had taken his paramour along with him and as such, she has serious objection to grant of access in the presence of any other family members or friends or colleagues. She would further submit that same objection is as regards the stay in the hotel room, as she will not be able to supervise the access.

5. Considered the submissions and perused the record.

6. By the order dated 13th December, 2023, Family Court has granted access to the Petitioner/father which is to be availed at Sahara Centre, Dubai in day time from 12 noon to 9 p.m. This Court is informed that in the past also weekend access was granted for the same purpose and Petitioner had taken access of the children. Learned counsel for the Respondent has expressed apprehension that Petitioner will misuse the access. I am not inclined to accept the apprehension expressed by the Respondent. However, I am not inclined to disturb the observations of the Family Court that the

children should not stay with the father as in the past also access was availed from 12 noon to 9 p.m. and there was no issue of the children seeking rest in the afternoon. As regards the restriction placed by Family Court that Respondent will not bring any other family members or friends or colleagues while availing access of the children, as the parents of the Petitioner desire to meet the children, the restriction is to be modified.

7. As such, the impugned order to the extent that it restricts the Petitioner/father from bringing any family members, friends or colleagues while availing access of the children is modified to permit the Petitioner/father to bring his parents while availing access of the children.

8. It is made clear that apart from the parents of the Petitioner/father, there should be no other friends or colleagues during access.

9. Petition is disposed of in the above terms.

[SHARMILA U. DESHMUKH, J.]