

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1587 OF 2024

IN

WRIT PETITION NO.2048 OF 2023

Abhishek Chavan

...Applicant

Versus

Gauri Abhishek Chavan

...Respondent

Ms. Indira Jaising, Senior Advocate a/w. Mr. Atharva A. Dandekar,
Mr. Hitendra V. Parab for the Applicant.

Mr. Ashutosh Kulkarni i/b Mr. Akshay Kulkarni for the Respondent.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 16th FEBRUARY, 2024

P. C. :

1. By this petition modification was sought of order dated 21st July 2023 passed by this Court in a challenge to the Interim order dated 9th February 2023 passed in Divorce Petition bearing No.A-250/2020 by the Family Court at Bandra.

2. As this Court was at the relevant time deciding the validity of the interim order, by reason of subsequent change in circumstances the relief of modification of the order of interim custody will, in my view, be required to be considered by the Family Court before whom original proceedings are pending. Support can be drawn from Section 26 of the Hindu Marriage Act, 1955, which provides for the same.

3. Considering the gravity of the matter, the application for modification to be filed before the concerned Family Court on or before 21st February 2024 with an advance copy to the other side. Reply, if any to be filed on or before 23rd February 2024.

4. The Family Court is requested to decide the Application on or before 1st March 2024. Both parties agree that in no circumstances whatsoever any application for adjournment of the hearing will be sought before the Family Court.

5. By order of 21st July 2023 what was confirmed was the order of the Family Court dated 9th February 2023. As of today, the child is with the father and pending the hearing and final adjudication of the Application for modification of the interim order of custody, the child to remain in the custody of the father.

6. Ms. Jaising, learned Senior Advocate appearing for the petitioner on instructions submits that every day video call access will be given to the mother at 8.00 p.m. in the evening.

(SHARMILA U. DESHMUKH, J.)