

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION (ST) NO. 11256 OF 2024

Abhijeet Shankarrao Patil

.. Petitioner

Versus

Sharayu Tanaji Patil

.. Respondent

-
- Mr. Ratan L. Adhe i/by Mr. Pankaj P. Deokar for Petitioner
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 30, 2024

P. C.:

1. Not on board. Mentioned. Taken on board.
2. Perused the praecipe dated 30.04.2024. Heard Mr. Adhe, learned Advocate for Petitioner.
3. Present Contempt Petition is filed by Petitioner alleging willful disobedience of the order dated 09.05.2023 passed by this Court which is appended at Exh. A, page Nos. 15-18 of the Contempt Petition. According to Petitioner, Respondent has committed contempt of the above order. Petitioner is husband, Respondent is wife and they have one son. When the order dated 09.05.2023 was passed, Petitioner was working in USA. He sought visitation right to meet his son in Maharashtra. Respondent and son are residing in Baramati. Order dated 09.05.2023 notes that Petitioner husband has H-1B visa for residing in USA and it also records that his son is a US citizen since

he was born in USA. In view of the apprehension expressed by Respondent wife, this Court passed a comprehensive and detailed order on 09.05.2023 enabling the Petitioner to seek visitation right after following specific condition of deposit of passport with the District Court, Baramati. In paragraph No. 10 of the said order, this Court also notified that parties are at liberty to apply for the same condition as mentioned for winter vacation to the District Court, Baramati.

4. It appears that pursuant to the above directions, Application has been filed which is appended at Exh. D, page No. 37 of the Petition by which Petitioner sought visitation right during last winter. That Application was resisted by Respondent and her say is appended at Exh. E, page No. 38 of the Petition. The Application at Ex. D was made on 19.12.2023 for the last winter vacation which is now passed by. However, the said Application was rejected by order dated 01.01.2024. There are certain observations made in the order. Now at this juncture, we are on the verge of the summer vacation and across the Bar, Mr. Adhe expressed that Petitioner now desires to avail visitation right during the ensuing summer vacation by following the same conditions. If that be the case, Petitioner is at liberty to make an appropriate Application before the learned District Court, Baramati as per the directions and leave contained in order dated 09.05.2023. If

such an Application is made by the Petitioner, the same shall be considered by the learned District Court, Baramati on its own merits and in view of the directions contained in the order dated 09.05.2023.

5. Petitioner has also expressed apprehension that in view of his visa having been expired in the interregnum, learned District Court must consider the Petitioner's Application. That need not be the reason for the Petitioner to worry since once the pre-condition of deposit of his passport is complied with, learned District Court, Baramati shall consider the directions contained in the order dated 09.05.2023 and accordingly pass appropriate orders / directions. In that view of the matter, learned District Court is directed by this Court not to be swayed with the observations made in its order dated 01.01.2024 though that order is not under challenge herein.

6. Considering the issue involved in the present case, learned District Court, Baramati is directed to consider the terms and conditions which are stated in the order dated 09.05.2023 in its true letter and spirit and accordingly pass appropriate orders if any Application seeking visitation right is made by the Petitioner.

7. In view of the above, no contempt would lie and therefore, present Contempt Petition is dismissed with the above directions.

[MILIND N. JADHAV, J.]