



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI. REVISION APPLICATION NO. 24 OF 2024

Ayushi Agarwal

...Applicant.

Versus

Nikhil Chandarana.

...Respondent.

*Mr. Aabad Ponda i/b Mr. Vivek Pandey Mr. Ujjwal Gandhi for the applicant.
Mr. Sudeep Pasbola, Mr. Wesley Menzes, Mr. Subir Satkar i/b Mr. Ayush Pasbola
for respondent.*

Coram : Sharmila U. Deshmukh, J.

Date : January 12, 2024.

P. C. :

1. Challenge in the revision is to the order dated 5th December 2023 granting visitation rights to the respondent–father for two hours from 4 to 6 p.m. on first and third Saturday in the campus of Family Court, Thane under the supervision of Counselor and permitting the respondent-father to have virtual access for 20 minutes on each Monday and Thursday between 6 p.m. to 8 p.m. as per the mutual convenience of the parties and child.

2. Mr. Ponda, learned senior counsel appearing for the applicant

submits that the provisions of Protection of Women from Domestic Violence Act, 2005 are meant for protecting the rights of aggrieved person which as the statute indicates is a woman and as such the application filed by the respondent – father under section 21 of the DV Act is not maintainable. He further submits that the said issue is under consideration of the Apex Court and tendered copy of the order order passed by the Apex Court in an SLP which is pending for consideration before the Apex Court.

3. *Per contra* Mr. Pasbola, learned counsel for the respondent would submit that what has been granted by the Sessions Judge is a supervised access and the possibility of child being tutored by the applicant–mother as reflected in the order of Magistrate rejecting the application cannot be ruled out. He, on instructions, submits that the order of interim access granted by the Sessions Judge will be confined only to these proceedings pending the hearing and till the final disposal of present revision and will not be relied upon for seeking relief in other proceedings.

4. Mr. Ponda, submits that he has no objection to the grant of access as directed by the Sessions Judge subject to ad-interim relief in terms of prayer clause (d). Mr. Pasbola, on instructions, does not

object to the same.

5. In view of the above, there shall be interim relief in terms of prayer clause (d).

6. List the revision for further consideration on 9th February 2024.

[Sharmila U. Deshmukh, J.]