



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7065 OF 2024

Mohammed Mohsin Abdul Salim Saudagar

VERSUS

Neha Fatema Alis Neha Farzeen Mohammed Mohsin Saudagar

- Mr. S. S. Gangakhedkar, Advocate for the Petitioner
- Mr. A. D. Hande, Advocate for the Respondent No. 1

CORAM : R. M. JOSHI, J

DATE : FEBRUARY 11, 2025

PER COURT :

1. This Petition takes exception to the order dated 23.04.2024 whereby learned Judge, Family Court, Nanded in Petition D-12/2022 has permitted the Petitioner to meet his two years old son before Councilor on each date of the hearing of the said case but didn't grant interim custody.

2. Learned Counsel for the Petitioner submits that the Petitioner had made composite prayer of interim custody as well as visitation right twice a week. It is his submission that meeting the son in presence of the Councilor is not sufficient to establish emotional connect with the child. He further argued that the Family Court has passed the order

impugned without recording any reason as to why the visitation right as asked by the Petitioner cannot be granted.

3. Learned Counsel for the Respondent opposed the Petition by pointing out the reply filed by the Respondent before Family Court narrating the reasons for which the custody or even visitation right could not be granted to the Petitioner.

4. This Court has gone through the said reasons. Essentially the said reasons appear to be with regard to the disputes between the Petitioner and Respondent/Wife. As far as the alleged incident of March, 2021 recorded in clause no. 4 (Page No. 48) is concerned, a specific query is made to the Counsel for the Respondent as to whether any complaint is made in respect of the said incident to police. He answered the said query in negative. Thus, it is difficult to accept correctness of such incident. Needless to say that relief cannot be rejected on created or unsubstantiated grounds.

5. Perusal of the impugned order shows that the

learned Judge, Family Court has not taken into consideration the facts on record in proper perspective nor has recorded any reasons for not even granting visitation right other than in Court premises to the Petitioner to his two years old son. This Court finds substance in the contention of the learned Counsel for the Petitioner that without recording any specific reasons for denying the said right, learned Judge, Family Court was not justified in passing order impugned.

6. In view of above, impugned order dated 23.04.2024 is set aside. Learned Family Court is directed to decide application Exh. 7 filed in Petition D-12/2022 afresh within a period of two weeks from today. Family Court to decide application independently and without being influenced by observations made above.

7. Petition stands disposed of in above terms.

(R. M. JOSHI, J.)