



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CONT. PETITION NO. 830 OF 2025

Payal Punit Bandi Alias Payal Naresh Doshi

VERSUS

Punit Anil Bandi

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Mr. S. V. Suryawanshi, Advocate for the Petitioner

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CORAM : AJIT B. KADETHANKAR, J.

DATED : 16TH OCTOBER, 2025

ORDER :-

. Heard Mr. S. V. Suryawanshi, learned Advocate for the petitioner.

2. Mr. S. V. Suryawanshi, learned Advocate would submit that a Criminal Writ Petition No.908 of 2025 was filed by the petitioner against the respondents, wherein the main issue was allowing child to go with his mother to Australia on visitation rights. Mr. Suryawanshi, learned Advocate would submit that the petitioner no.1 had to go to Australia to pursue Masters in Artificial Intelligence (Research) Program at Western Sydney University at Australia.

3. Mr. Suryawanshi, learned Advocate would submit that after hearing both the parties, this Court issued certain

directions vide its order dated 15.07.2025. the respective directions are reproduced as follows:

(i) The petitioner No. 1 shall bring petitioner No. 2 to India once in every six months during semester vacations.

(ii) During the said visit to India the respondent No. 1 will be entitled for custody of petitioner No. 2 at least for fifteen (15) days. The petitioner No. 1 may accompany petitioner No. 2 and respondent No. 1.

(iii) The petitioner No. 1 shall apply for Visa and Passport to all the authorities for necessary permission required and international travel documents for petitioner No. 2. The respondent No. 1 shall sign all necessary documents which are required for the said purpose.

(iv) In case, duration of the course or the stay of the petitioners is extended beyond 2.5 years, the condition of visiting India every six months shall continue with further condition that custody of petitioner No. 2 shall be given at least fifteen (15) days to respondent No. 1 every six months.

(v) The petitioner No. 1 shall share her phone number, mobile number and detailed address while staying in Australia.

(vi) The petitioner No. 1 in addition to her address and phone number shall also give address, mobile number/phone number of any of her contact person/relative staying in Australia to respondent No. 1 to contact in case of any emergency.

(vii) During the stay of petitioners in Australia she shall not insist upon proceedings bearing P.W.D.V.A. Application No. 5/2025, Application under Section 144 of the B.N.S. bearing Cri. M. A. No. 55/2025 pending in the Courts in India against the respondents and F.I.R. No. 148/2025 registered against the respondents at Police Station, Chalisgaon.

(viii) The petitioner No. 1 shall facilitate video calls between petitioner No. 2 and respondent No. 1 once every week on Saturday or Sunday at least for 15-20 minutes duration.

(ix) The petitioner No. 1 shall give detailed travel itinerary including flight details and the place of her stay in India at least one month prior to her visit to India to respondent No. 1.

(x) No major decision in respect of petitioner No. 2 shall be taken without consultation of respondent No. 1.

(xi) The petitioner No. 1 shall file undertaking to the effect that she accepts the above conditions and shall be liable for action of contempt, in case, there is breach of any of the conditions.

4. Mr. Suryawanshi, learned Advocate would invite my attention to clause no. iii of the operative order dated 15.07.2025, passed by this Court, wherein the petitioner was allowed to apply for visa and passport to all the authorities for necessary permissions required and international travel documents for the petitioner no.2. The respondent no.1 in the

present petition was directed to sign all necessary documents which are required for the said purpose. Mr. Suryawanshi would submit that pursuant to the order passed by this Court, the petitioner no.1/wife has requested the respondent no.1 to issue the necessary documents i.e. the documents of father of the child, which were necessary to secure the visa from Australia.

5. Mr. Suryawanshi, learned Advocate would submit that the necessary documents were copy of the passport having certified and self attested by the respondent no.1, the driving licence in the name of respondent no.1, which was to be certified and self attested by the respondent no.1 and copy of Aadhaar Card of the respondent no.1, certified and self attested by him. Mr. Suryawanshi, learned Advocate would submit that no doubt the respondent no.1 has handed over these three documents to the petitioner no.1. However, he has put enormous conditions over each document which were not at all required, rather would create such confusion and such impression in the mind of visa sanctioning authority that the petitioner no.2 may lose the visa.

6. Mr. Suryawanshi, learned Advocate would submit that although the respondent no.1 has shown to have obeyed the order passed by this Court, rather by putting such unnecessary conditions on the documents has frustrated the effect of the order passed by this Court. Mr. Suryawanshi, learned Advocate would submit that grant of visa from foreign nation is an extremely sensitive matter and the foreign nations are absolutely cautious and sensitive to see that the visa application and annexures to the application are absolutely flawless, clean and unconditional.

7. Mr. Suryawanshi, learned Advocate would submit that although, the respondent no.1 has partially complied the order, but his conduct in putting such restrictions on the documents is not an absolute compliance of the order passed by this Court and frustrates the spirit of the order passed by this Court.

8. Mr. Suryawanshi, learned Advocate would submit that petitioner tried to convince the respondent no.1 about the consequences of the conditions those were put by him on the said documents and also requested him that irrespective of the discord between the husband and wife, such approach of the

respondent no.1 would adversely affect the interest of petitioner no.2.

9. Mr. Suryawanshi, learned Advocate would submit that during the exchange of documents and this convincing exercise, she has already missed the opportunity for the last year.

10. In view of this, issue notice to the respondent no.1 returnable on 06.11.2025.

10. In the meantime, the petitioner may take recourse to all permissible modes of private service.

(AJIT B. KADETHANKAR, J.)