



vinita

IN THE HIGH COURT OF BOMBAY AT GOA

**WRIT PETITION NO.581 OF 2024
WITH
MISC.CIVIL APPLICATION NO.2887 OF 2023 (F)**

WRIT PETITION NO.581 OF 2024

AGNELO JOHN BOSCO SAVIO FERNANDES ... PETITIONER

Versus

MARIA BEATRIZ DSOUZA ... RESPONDENT

WITH

MISC.CIVIL APPLICATION NO.2887 OF 2023 (F)

AGNELO JOHN BOSCO SAVIO FERNANDES ... APPLICANT

Versus

MARIA BEATRIZ DSOUZA ... RESPONDENT

Ms. A. Agni, Senior Advocate with Mr. J. Shaikh and Ms. Afrin Harrihar, Advocates for the Petitioner.

Mr. John Abreu Lobo, Advocate for the Respondent.

CORAM:- SHREERAM V. SHIRSAT, J.

DATED :- 16th October, 2025

P.C.

This matter arises out of a dispute regarding the custody and visitation rights of the minor girl child, aged 16 years.

2. In view of the ongoing dispute regarding access and visitation, and considering the age of the girl child, this Court deemed it appropriate to interact with the child in camera to ascertain her independent wishes and feelings, in accordance with the settled principles of law and in the best interest of the child.

3. The child appeared before this Court today and was interviewed in the Chambers at length in the absence of either parent and legal

Counsel but in the presence of Mrs. Vinita Naik, Private Secretary to this Court.

4. During the interaction, the child responded to all questions put forth by the Court in a coherent, reasoned, and matured manner. Her responses were consistent, thoughtful, and reflected an independent mind.

5. Upon careful consideration of the child's demeanour, responses, and overall conduct during the interview, this Court is satisfied that the child is competent to express her views and preferences. I do not find any reason to come to the conclusion that the child has been tutored, influenced or subjected to any form of psychological pressure by the mother or any other family members.

6. During interaction, the child clearly expressed her unwillingness to meet or interact with her father even for a short duration, and it did not seem to this Court that there was any external influence over her.

7. Accordingly, considering the age and maturity of the child, and keeping the welfare and best interests of the child paramount, this Court was of the opinion that the matter be referred for mediation and therefore attempts were made to contact and appoint some retired High Court Judge to espouse the cause, however the High Court Judges who are there on the list of Mediators have already dealt with the matter and therefore other Judges from Goa were contacted, but due to their unavailability, it could not be done. Thereafter, it was suggested to the respective Counsels that a retired Sessions Court Judge from the list be appointed; however, the Ld. Counsel for the

Petitioner, on instructions, submitted that her client does not wish to go for mediation. The Court shall therefore determine the further course of action in the matter based on the material on record and in accordance with law.

8. Stand over to 8.12.2025

SHREERAM V. SHIRSAT, J.