

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
WRIT PETITION NO.53 OF 2025**

Smt. Shraddha Varun Shinde,
Age: 36 years, Occu: Service,
R/o: C/o Madan Shamrao Jadhav,
32/20, Tarabai Park, Near Hotel,
Dhairyaprasad, Kolhapur.

..Petitioner

Versus

Varun Milind Shinde,
Age: 38 years, Occu: Service,
R/o.: 265, Narayan Peth,
Near Vijay Talkies, Pune-411030
Currently residing at-
1540, Spyglass Hill
North East Apartment
8B, Cedar Rapids,
IA State 52402,
United States of America.

..Respondent

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Mr. Abhijit Adagule a/w Ms. Ketaki Patil a/w Mr. Ketan Patil, Advocate
for Petitioner.

Mr. Sandeep M. Phatak a/w Mr. Adhik Kadam, Advocate for
Respondent.

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : 03rd OCTOBER, 2025.

PRONOUNCED ON : 16th OCTOBER, 2025.

FINAL ORDER:-

1. The present Writ Petition takes exception to order dated 16.11.2024 passed by Family Court, Kolhapur below Exhibit-15 in Petition No.A-103/2023, by which Family Court permitted respondent and grandparents access to Kum. Avani at children complex of Family Court, Kolhapur on every working 1st, 3rd and 5th Saturday of every month between 4 pm to 5 pm.

2. The petitioner filed proceeding for divorce under Section 13(1) (ia) of Hindu Marriage Act against her husband Varun. The couple has only daughter namely Avani. Initially, couple was residing at USA. However, presently petitioner is residing at Kolhapur alongwith her daughter, whereas her husband Varun is residing in USA. The Family Court has ordered interim maintenance of Rs.30,000/- per month against respondent-husband. In this background, application was moved below Exhibit-15 through Power of Attorney Holder i.e. father of respondent for access to Kum. Avani.

3. The Family Court allowed application vide order dated 16.11.2024 and granted limited access to respondent and grandparent with Kum. Avani.

4. Mr. Abhijit Adagule, learned Advocate appearing for petitioner submits that impugned order is passed without hearing petitioner. He would invite attention of this Court to application filed at Exhibit-88, whereby petitioner indicated that application Exhibit-15 has been decided without granting opportunity of hearing to her. According to Mr. Adagule, petitioner had made application for adjournment on the day when order was passed. It was favourably considered, however, impugned order is passed on same day.

5. Mr. Sandeep Phatak, learned Advocate appearing for respondent vehemently opposes prayer in petition. He would submit that

arguments of both sides were already heard. The reply of petitioner was on record and after considering rival contentions, impugned order has been passed. After passing of such order, petitioner filed false application below Exhibit-88 alleging that order is passed without hearing.

6. Perusal of record indicates that on 16.11.2024 impugned order is passed below Exhibit-15. The limited access is granted to respondent and grandparents with Avani in children complex of Family Court only on every working 1st, 3rd and 5th Saturday of every month between 4 pm to 5 pm. It cannot be disputed that respondent being father and grandparents are entitled for access to minor child. Although application was opposed by filing say at Exhibit-23, Family Court has considered relationships between parties and opined that respondent and grandparents must have access with Avani. The order records that it has been passed after hearing both sides. Therefore, there is no force in contention of petitioner.

7. In result, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE