

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO.28491 OF 2022

Nilesh S. Barde ...Petitioner

Versus

Shikha N. Barde ...Respondent

WITH

WRIT PETITION NO.234 OF 2024

Shikha Nilesh Barde ...Petitioner

Versus

Nilesh Shashikant Barde ...Respondent

Mr. Vishal Rankhambe a/w. Ms. Aparna Rankhambe and Mr. Chaitanya Bagul and Mr. Afsar Ansari, for the Petitioner i/b. Mr. Vishal Rankhambe, for the Petitioner in WPST/28491/2022 and for the Respondent in WP/234/2024.

Ms. Pipli Arun Gopa Datta, for the Petitioner in WP/234/2024 and for the Respondent in WPST/28491/2022.

CORAM: MADHAV J. JAMDAR, J.

DATED : 20th MARCH 2025

P. C.:

1. Heard Mr. Vishal Rankhambe, learned Counsel appearing for the Petitioner and Ms. Pipli Datta, learned Counsel appearing for the Respondent.

WRIT PETITION (ST) NO.28491 OF 2022:

2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the order dated 6th

October 2022 passed by the learned Judge, Family Court, Mumbai below Exhibit-7 in Petition No.A-595 of 2022. The said Application bearing Exhibit-7 has been filed by the Petitioner-Husband for the access and temporary custody of the minor daughters. The operative part of the said impugned order dated 6th October 2022 reads as under:

“ORDER

- 1. The application is partly allowed.*
- 2. The respondent shall give access of the daughters to the petitioner twice in a week i.e. on Tuesday and Thursday in the evening by video call.*
- 3. The respondent shall give the physical access of the daughters to the petitioner on every Saturday and Sunday without fail as per the convenience of the daughters.*
- 4. The petitioner shall pick-up the daughters from the sister's house of the respondent at Mumbai on Saturday morning at 8.00 a.m. and drop them at the same place on Sunday evening at 8.00 p.m.*
- 5. Considering the age of the daughters, the petitioner's prayer for interim custody is hereby rejected.”*

Thus, the learned Judge has rejected the prayer for interim custody, however, granted access of the daughters to the Petitioners. Daughters are of aged 12 years and 10 years. At this

stage it is necessary that daughters should remain in the custody of the mother.

3. The learned Judge has recorded that since April 2021, the Petitioner had left the company of the Respondent as well as the daughters. In fact, the learned Judge has also provided that the Petitioner is entitled for Video Call access of both the daughters.

4. Accordingly, no interference in the impugned order is warranted under the jurisdiction of this Court under Article 227 of the Constitution of India.

5. The Writ Petition (ST) No.28491 of 2022 is dismissed, however, with no order as to costs.

WRIT PETITION NO.234 OF 2024:

1. By the present Writ Petition, the Petitioner i.e. mother has challenged the same order dated 6th October 2022 to the extent of granting access of the daughters to the father. However, the children requires love and affection of both parents and therefore, the impugned order needs no interference.

2. Accordingly, Writ Petition No.234 of 2024 is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]

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