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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4139 OF 2025

Nishant Ramesh Kumar

...Petitioner

Versus

Swati Nishant Kumar

...Respondent

Ms. Gulestan Dubash, for the Petitioner

Mr. Samarth Moray, i/b. Shivani Shinde, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATED: 01 DECEMBER 2025

P.C.:

1. The challenge in this Writ Petition is to the Order dated 18th July 2024 passed by the learned Judge, Family Court No.4, Mumbai below application bearing Exhibit-6 in Petition No. D-136 of 2023, by which certain directions have been given regarding the access of minor daughter.

2. The main contention raised by Ms. Dubash, learned Counsel appearing for the Petitioner-Father is that the overnight excess has not been given to the Petitioner-Father. However, it is required to be noted that when the learned Judge of the Family Court passed impugned Order dated 18th July 2024, at that time, minor daughter of the Petitioner and Respondent was less than five years. Now, the daughter is about six years.

3. In view of the said change in circumstances Ms. Dubash, learned Counsel seeks withdrawal of the Writ Petition with liberty to file fresh application.
4. Accordingly, the Writ Petition is allowed to be withdrawn with liberty to file fresh application.
5. It is clarified that the contention to be raised in such fresh application are expressly kept open.
6. The Writ Petition is disposed of as withdrawn with liberty as sought.

[MADHAV J. JAMDAR, J.]