

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5111 OF 2025

Deepak Bhambhani

...Petitioner

Versus

Neeta Bhambhani

...Respondent

Ms. Shaili Muzoomdar a/w Ms. Vrinda Daga and Ms. Khushi Jangid, Advocate for Petitioner.

Ms. Neeta Bhambhani, Respondent in-person.

CORAM: MADHAV J. JAMDAR, J.

DATED : 7th May 2025

P.C.:

1. Heard Ms. Shaili Muzoomdar, learned Counsel for the Petitioner and Ms. Neeta Bhambhani, the Respondent, who appears in person.

2. By the present Writ Petition, challenge is to the legality and validity of the Order dated 6th April 2024 passed by the learned Judge, Family Court No.4, Mumbai below Exhibit Nos. 8, 15, 28, 30, 34 and 57 in Petition No.D-52-2021. The learned Judge, Family Court has in the impugned Order observed that all these applications have been filed seeking visitation and access rights. However, the learned Judge has observed that already an interim

Order dated 11th September 2023 to that effect is passed and therefore, it is not necessary to pass further orders as there will be contradictory orders. There is no illegality or perversity in the said approach and no interference is warranted.

3. The learned Counsel for the Petitioner points out said order dated 11th September 2023 passed by the learned Judge, Family Court No.4, Mumbai below Exhibit-17 in Petition No.D-52 of 2021. The operative part of the said Order dated 11th September 2023 reads as under:

“1. This application is allowed as follows.

2. Petitioner shall meet the child named Nitara on every first and third working Saturday starting from 07/10/2023 in the Children complex of this Court between 11.00 a.m. to 1.00 pm till disposal of the main petition.

3. Respondent shall bring Nitara to this Court for the aforesaid access. In case of any inability, respondent shall intimate the petitioner in advance.

4. The above access shall be under the supervision of the Marriage Counsellor of this Court. The parties shall mark their attendance in the access register maintained at the Children Complex of this Court.

5. The petitioner shall undertake that he shall not behave in any manner detrimental to the physical or mental health of the child during the access.

6. Any disobedience of this order shall ensue stern consequences against the defaulting party.

7. Respondent shall take the child to Dr. Harish Shetty as per the directions of this court vide orders dated 30/10/2021 and 05/03/2022.

8. Costs in cause.”

4. Learned Counsel for the Petitioner states that inspite of said Order dated 11th September 2023, the Respondent is not complying with the same. The Respondent, who appears in person states that the Petitioner has already filed Regular Darkhast No. 29 of 2024 and in the said Regular Darkhast, reply has been filed the Respondent. It is required to be noted that the Respondent has fairly accepted that she has not challenged the said Order dated 11th September 2023.

5. Accordingly, although no interference in the impugned Order dated 6th April 2024 is warranted, however, as the said Regular Darkhast No. 29 of 2024 is pending since January 2024,

the concerned Family Court is requested to dispose of said Regular Darkhast No. 29 of 2024 on or before 30th June 2025.

6. Both the Petitioner and the Respondent shall remain present before the learned Judge of Family Court No.4, Mumbai on 19th May 2025. The learned Judge, Family Court No.4, Mumbai is requested to dispose of the said Regular Darkhast bearing No.29 of 2024 on or before 30th June 2025.

7. It is clarified that this Court has not considered the merits and all contentions on merits regarding said Regular Darkhast No. 29 of 2024 are expressly kept open.

(MADHAV J. JAMDAR, J.)