

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5277 OF 2025

Smita Bharadwaj	...Petitioner
<i>Versus</i>	
Nitish Bharadwaj	...Respondent

Mr. Chaitanya B. Nikte a/w. Mr. Ritvij A. Kale i/b. Mr. Prajit S. Sahane, for the Petitioner.
Ms. Aarti Sathe and Ms. Aasavari Kadam, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.
DATED : 25th JULY 2025

P. C.:

1. Heard Mr. Nikte, learned Counsel appearing for the Petitioner and Ms. Sathe, learned Counsel appearing for the Respondent.
2. Mr. Nikte, learned Counsel appearing for the Petitioner has pointed out the following observations in the order dated 28th January 2025 passed by the learned Principal Judge, Family Court, Mumbai.

“13] The daughters can not be denied the issuance of passport or the issuance of VISA, just because they are minor and their parents are at logger

heads. Traveling abroad may be an essential requirement of modern life. ***If the daughters are really getting felicitated at a prestigious institution, they can not be denied the opportunity.*** The present application has seen the light of the day because of their warring parents. The objection from the petitioner is coming because of the conduct of the respondent during pendency of the petition. ***The daughters right to travel must be recognized. The daughters right to be appreciated must be accepted*** The documents filed by the respondent are opposed by the petitioner. Pertinently, the 'Mohotsav' is organized by 'Confluence NGO', but there is no invitation from that particular NGO to the respondent or her daughters. The invitation dated 09.12.2024 addressed to both the daughters is signed by one Smita Shrivastav as partner of 'Bharat Mohotsav'. The date 09.12.2024 is under objection. It is important to note that with list Exh.90, the respondent filed a no objection certificate dated 20.01.2025 issued by one Sumanlata Mahour, Deputy Secretary (Personnel), Government of Madhya Pradesh, General Administration Department. It is submitted by the Ld. Adv for the respondent that she is granted leave by the Government of M.P. This letter dated 20.01.2025 merely mention about the 'No Objection' for acquiring VISA to visit UK on a private tour. The period of leave is not mentioned. ***The documents filed by the respondent are under scanner for the reasons mentioned. The reason of visiting UK is also doubtful for the reason mentioned. For this reason, the application for grant of leave for taking the minor daughters to travel to United Kingdom can not be granted.***

(Emphasis added)

3. Thus, the learned Principal Judge, Family Court, Mumbai has rejected the application bearing Exhibit-81, which has been filed for the relief that the minor daughters of the Petitioner and the Respondent be permitted to travel to the United Kingdom from 12th February 2025 to 19th February 2025. The said travel to the United Kingdom was for the felicitation scheduled from 14th February 2025 to 17th February 2025 at the House of Lords by the prestigious University of Oxford for their co-authored literary work of motivation to youth highlighting the importance and benefits of traditional exercises like 'Surya Namaskar'.

4. In the said application bearing Exhibit-81 it is stated that the minor daughters of the Petitioner and the Respondent have been invited for the event called 'Bharat Mahotsav-Festival of One India' to travel to London and United Kingdom from 14th February 2025 to 17th February 2025 for their felicitation at the House of Lords by the prestigious University of Oxford.

5. As already noted herein above, the learned Principal Judge, Family Court, Mumbai has rejected the said application bearing Exhibit-81 in view of the various contentions raised by the

Respondent-father that the documents filed by the Petitioner-Wife are under scanner and for the reasons set out in paragraph No.13 of the said order dated 28th January 2025.

6. It is also required to be noted that in the reply dated 21st January 2025 to the said Exhibit-81 application, the Respondent-Husband has *inter alia* raised following contentions:-

- i. There is no invitation letter on record from the 'esteemed Oxford University' which states that the Petitioner's minor daughters are being felicitated at the said University, as was also falsely claimed by the Respondent's Counsel's letter to the Petitioner's Counsel dt. 30/12/24.
- ii. I further state that my application for restraining the Respondent from removing the children outside India is also filed on 18/1/2025, which is pending before this Hon'ble Court and the same needs to be heard along with her present application.
- iii. I further state that the other documents to substantiate her false claim, the Respondent produced certain documents in

the above mentioned WP No.403/2025, which show serious discrepancies of dates & timings, which along with the other documents prove that the said enclosures prima facie appear to be fabricated & the alleged 'Bharat Mahotsav' is actually not taking place at all in February 2025 in London & Oxford University.

- iv. I also state that the letter from Lord Loomba dt. 14/1/2025, mailed to me in the wee hours just before arguments in Jabalpur HC on 15/1/2025, was not present in the documents dt. 19/12/24, filed by the Respondent before this Hon'ble Family Court on 3/1/2025 and hence, the said letter dt 14/1/2025 appears to be an afterthought to sanctify the Respondent's false claims.
- v. The Petitioner also specifically states that by saying that the daughters are being felicitated 'AT' the House of Lords & Oxford University, she is trying to mislead this Hon'ble Family Court, the Petitioner father & the world at large that they are being felicitated 'BY' the said renowned institutions, which is NOT the case."

Thus, it is clear that the Respondent has come up with a specific case that the contentions raised that the daughters are going to be felicitated at the House of Lords by the prestigious University of Oxford is totally false and the documents produced are fabricated and there is no such felicitation.

7. It is unfortunate that on the basis of such false and fraudulent contentions, which the Respondent has raised, the learned Principal Judge, Family Court, Mumbai has rejected the said application at Exhibit-81. The compilation of documents which the Petitioner has filed today shows that in fact, the said event has actually taken place and the Petitioner, who is the mother went to United Kingdom and accepted the felicitation on behalf of the daughters. Thus, it is very clear that the order dated 28th January 2025, by which *inter alia* application at Exhibit-81 is rejected, has been obtained by the Respondent by playing fraud on the Court.

8. It is unfortunate that due to the disputes between the Petitioner-Wife and the Respondent-Husband and as the Respondent-Husband raised totally false contentions, the

daughters have lost life time opportunity of getting felicitated at the House of Lords by the world renowned University-Oxford University.

9. *Prima facie*, I am satisfied that the conduct of the Respondent amounts to interference in the administration of the justice.

10. Accordingly, the Respondent is directed to file affidavit-in-reply on or before 11th August 2025.

11. Stand over to 12th August 2025 at 03:00 p.m..

[MADHAV J. JAMDAR, J.]

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