

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5277 OF 2025

Smita Bharadwaj

...Petitioner

Versus

Nitish Bharadwaj

...Respondent

Mr. Chaitanya B. Nikte (through V. C.) a/w Mr. Ritvij A. Kale i/b Mr. Prajit S. Sahane, for the Petitioner.

Ms. Aarti Sathe i/b Aasavarti Kadam, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATED: 12th AUGUST 2025

P.C.:

1. Heard Mr. Nikte, learned Counsel appearing for the Petitioner and Ms. Sathe, learned Counsel appearing for the Respondent.

2. Ms. Sathe, learned Counsel for the Respondent tenders an additional affidavit.

3. This Court by order dated 25th July 2025 has recorded that unfortunately due to the disputes between the Petitioner-wife and the Respondent-husband the daughters have lost an opportunity of getting felicitated at the House of Lords by the world renowned University-Oxford University.

4. Ms. Sathe, learned Counsel for the Respondent states that the felicitation was not by Oxford University but by some other Organization. In any case, if daughters are felicitated by any organization the father should have been very proud regarding their

achievement and should not have opposed the prayer allowing them to travel abroad.

5. Mr. Nitish Bharadwaj i.e. the Respondent who is personally present in the Court, states that he will act in the best interest of the daughters and accordingly, he will support the daughters for their academic progress as well as extracurricular activities. He further states that the contentions raised earlier opposing request to go abroad was as complete information was not provided and opposition was not deliberate and therefore no fraud has been played as observed in the order dated 25th July 2025 passed by this Court. Accordingly, said explanation is accepted.

6. Ms. Sathe, learned Counsel for the Respondent submits that video call access granted by order dated 15th November 2022 passed by the learned Principal Judge, Family Court No.1, Mumbai below Exhibit-6 in Petition No. A-29 of 2020 and order dated 15th December 2023 passed by the learned Principal Judge, Family Court No.1, Mumbai below Exhibit-32A in Petition No. A-29 of 2020 are not complied with. Mr. Nikte, learned Counsel for the Petitioner states that by order dated 15th November 2022, maintenance has also been granted to the twin daughters, however, the same is not being paid.

7. In any case, the Respondent has stated that he will act in the best interest of the daughters. The Respondent shall pay the said

maintenance regularly and also shall pay the arrears. The Petitioner shall also comply with said order dated 15th November 2022 as also order dated 15th December 2023 of video call access and physical access.

8. By the impugned order dated 28th January 2025 *inter alia* Exhibit-81 Application has been rejected. As far as the challenge to the said order is concerned it has become infructuous as already event for which the permission was sought has been performed. As far as, challenge to the Exhibit-85 Application is concerned the order is in fact in favour of the Petitioner-wife and also by the said order daughters are also allowed to travel abroad.

9. At this stage, Mr. Nikte, learned Counsel for the Petitioner states that as and when the occasion arises for the daughters to travel abroad fresh application will be filed before the Family Court. If such Application is filed the learned Family Court shall decide the same on its own merits. In view of said statement even the challenge to the impugned order concerning Exhibit-85 Application also comes to an end.

10. Accordingly, the Writ Petition is disposed of in above terms, with no order as to costs.

[MADHAV J. JAMDAR, J.]