IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14117 OF 2025

VINA ARVIND KHADPE Digitally signed by VINA ARVIND KHADPE Date: 2025.10.23 15:09:55 +0530

Chinmai Ravindra Devrukhkar .. Petitioner

Versus

Chirag S. Devrukhakar .. Respondent

Mr. Kunal Tiwari i/b. K. Juris Law Firm, Advocate for the Petitioner.

Respondent-In-Person present.

CORAM: AMIT S. JAMSANDEKAR, JJ.
DATE: OCTOBER 22, 2025
(Vacation Court)

P. C.

1. Heard Mr. Tiwari, the Learned Counsel for the Petitioner. The Respondent is present in person. Rule. The Respondent waives service. The Rule is made returnable forthwith and heard finally by consent of the parties.

2. By the present Petition, the Petitioner has challenged the order dated 13th October 2025 passed by the Family Court, Bandra. By the impugned order, the Family Court granted access of the child to the Respondent husband for a period of 10 days during Diwali Vacation.

3. Mr. Tiwari submitted that the Petitioner has already given access to the child to the Respondent in the past. However, this time, there are some

concerns, and therefore, the Petitioner is not comfortable granting the Respondent access to the child for such an extended period, especially overnight. He submitted that, as agreed in the Consent Terms dated 13th August 2021 and the Revised Consent Terms dated 16th May 2023, the Petitioner has granted the Respondent access to the child. He submitted that the child is only 7 years old and therefore it would not be in the child's interest to be with his father for a period of 10 days. He placed reliance on various judgments of the Hon'ble Supreme Court, which are filed along with the written submissions. He submitted that the Family Court has failed to consider the law laid down in the judgments by the Hon'ble Supreme Court. Mr. Tiwari reiterated the Petitioner's condition to give the Respondent access to the child, as mentioned by the Family Court in paragraph 6 of the order dated 13th October 2025. The condition of the Petitioner to give access to the child to the Respondent is that her mother-in-law should not be at home when the child resides with the Respondent. According to the Petitioner, this condition is reasonable and in the interest of the child. Mr. Tiwari further submitted that the child is not ready and willing to be with the father, and the Family Court has not considered the wish of the child.

4. The Respondent, in person, submitted that the condition of the Petitioner is most unreasonable, and he cannot keep his mother outside the house during the stay of the child with him. He submitted that the Petitioner

knows this arrangement will never work, which is why the Petitioner suggests such an unreasonable condition. He further submitted that, according to the Family Court's order, the Petitioner was supposed to have given access to the child on 18th October 2025, but to date, she has not done so. The Petitioner has already breached the order of the Family Court, and he has already lost five days of access to the child.

5. There is no dispute that before the hearing of the Application filed by the Respondent seeking access to the child, the Family Court sought a Report from the Counsellor. The child was ordered to be brought before the Counsellor for an interview to ascertain the child's wishes. The Counsellor conducted an interview of the child on 4th October 2025. Thereafter, the Counsellor submitted the Report to the Family Court.

6. The Family Court, in its detailed order on the Respondent's application for access to his 7-year-old son, has considered all the facts and circumstances of the case. The Family Court has considered the Report submitted by the Counsellor, which is Exhibit-44 on the record of the Family Court. The Petitioner has not placed on record the Report of the Counsellor for the reasons best known to her. However, it is noted in the order of the Family Court that the Counsellor's Report records that the Petitioner was ready and willing to give access to the child to the Respondent at his home.

However, the Petitioner insisted that the Respondent's mother (mother-in-law of the Petitioner) should not be present at the home of the Respondent. This was the only objection of the Petitioner, which is recorded in the Counsellor's Report.

7. Paragraph 6 of the Order dated 13th October 2025 of the Family Court reads as follows :-

> *"6. On perusal of the report of Counselor vide Exh.44, it becomes clear that respondent is also ready to give access to petitioner at his home but she is insisting that her mother-in-law i.e. mother of petitioner should not remain present. If respondent is willing to give access then I don't understand why she is insisting for petitioner's mother to stay out of home. Such condition appears to be unreasonable. Rather it will be certainly painful for the son to ask his mother to remain out of home as he wanted to bring his son to their home during Diwali vacation. Due respect to decisions and citations laid down in the cases relied by learned Counsel of respondent, I am agree with the said decisions bu they are not applicable to case in hand as facts and circumstances are different. Herein, mother has no objection for giving Diwali vacation access but subject to condition which I have already discussed above. Considering the fact that there will be vacation of near about 12 days, in my considered opinion, it would be just and reasonable to grant interim custody of the son w.e.f. 1710.2025 at 5.30 p.m. till 23.10.2025 at 9.00 a.m. Therefore, considering the report of the*

Counselor and considering the above discussion, I proceed pass following order .”

8. The operative part of the order is as follows:-

> *1. Application vide Exh. 38 is partly allowed.*
>
> *2. Respondent shall handover custody of son Master “Twansh” on 17.10.2025 at about 5.30 p.m. at Children Complex of this Court and petitioner shall drop the son on 23.10.2025 at 9.00 a.m. at the house of the respondent.*
>
> *3. Petitioner shall take proper care of the child while he is in his custody.*

9. I find that the record of the Petition and the order impugned does not support any of the submissions made by the Petitioner. Therefore, I find that the order passed by the Family Court, after considering the Counsellor’s Report and after considering all the judgments of the Hon’ble Supreme Court which were cited on behalf of the Petitioner, is reasonable, just and equitable. On perusal of the grounds mentioned in the Petition, it appears that the Petitioner has only proceeded on the basis of law laid down in the judgments of the Hon’ble Supreme Court, which are referred to in the grounds of the Petition. However, there is nothing on record to justify the submissions made by the Petitioner and the grounds taken by the Petitioner in the Petition. It is clear that the judgments cited by the Petitioner are not

applicable to the facts and circumstances of the present case. Therefore, the Family Court in paragraph 6 has rightly held that the decisions cited by the Petitioner do not apply to the facts and circumstances of the present case. The condition of the Petitioner that her mother-in-law shall not be at home when the child resides with the Respondent is not practical and the same is unreasonable.

10. Therefore, I find no substance in any of the grounds of the Petition and the submission made on behalf of the Petitioner. In view thereof, the present Petition is dismissed.

11. However, there shall be no order as to costs.

12. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[AMIT S. JAMSANDEKAR, J.]