

JYOTI
RAJESH
MANE

Digitally signed
by JYOTI
RAJESH MANE
Date: 2025.04.16
19:13:54 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.7222 OF 2025.

IN

FIRST APPEAL NO. 1118 OF 2014.

Mrs. Usha Dhananjayan

...Applicant.

Versus

Mrs. Firoza Popere

...Respondent.

Mr. Mihir Desai Senior Advocate a/w.Ms. Sanskruti Yagnik, for the Applicant.

Coram : Sharmila U. Deshmukh, J.

Date : April 15, 2025.

P. C. :

1. This Interim Application has been taken out in disposed First Appeal No.1118 of 2014, seeking deletion of Clause (b) of paragraph 46 of the Judgment, imposing restrictions on the movement of the child outside the State of Maharashtra without permission of the Court.
2. Mr. Desai, learned Senior Advocate appearing for the Applicant submits that the Application is at the instance of the maternal grandmother who was granted custody of the minor child by the judgment dated 15th November 2017. He would submit that the mother of the minor was killed by the father in Dubai and at that point of time the paternal grandparents and maternal grandmother sought the custody of the minor child. He submits that by the judgment dated 15th

November 2017, passed in First Appeal the custody was handed over to the maternal grandmother with access to be given to the paternal grandmother on religious occasions and 50% access during the summer vacation. He further points out the death certificates of the paternal grandparents and would submit that in the year 2021, the paternal grandparents have expired. Hence clause (b) of the said Judgment imposing restrictions be deleted as well as clause (e) and (f) as regards the access to the paternal grandparents, as they have already expired.

3. I have considered the submissions and perused the record.

4. By Judgment dated 15th November 2017, this Court had granted custody of the girl child aged 8 years to the maternal grandmother, while reserving right of access to the paternal grandparents. In order to secure the presence of the child, the maternal grandmother was prohibited from shifting outside the State of Maharashtra, so that the access to the paternal grandparents would not be hampered.

5. The death certificate which are annexed at page 49 and 50 of the Interim Application, discloses that the paternal grandparents have expired. The mother of the minor has already expired and father is serving death sentence, in Dubai. It is only the maternal grandmother and maternal relatives, who are looking after the girl child who is in their custody and now aged about 16 years. Considering that paternal grandparents have already expired and the record does not indicate

that any other relatives on the paternal side are interested in the access of the child, clause (b), (e) and (f) of paragraph 46 of the Judgment dated 15th November 2017, can be deleted as no purpose is served in restricting the movement of the minor child and is hereby deleted.

6. Interim Application is allowed in the above terms.

[Sharmila U. Deshmukh, J.]