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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.7462 OF 2025
WITH
WRIT PETITION NO.13561 OF 2024**

VAIBHAV
RAMESH
JADHAV

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Anuradha Anuj Sharma	... Applicant
In the matter between	
Anuradha Anuj Sharma	... Petitioner
V/s.	
Anuj Sharma	... Respondent

Mr. Rajiv Chavan, Senior Advocate with Ms. Meenakshi Pahuja i/by ANB Legal for the applicant in IA/6793/2025 and IA/7462/2025, for the petitioner in WP/6569/2022 and WP/13561/2024 and for the respondent in CP/326/2023, CPST/487/2023 and CPST/18611/2023.

Ms. Anuradha Sharma is present in Court.

Mr. Rohan Cama with Janay Jain and Vinayak Pandit, Maitreyee Garad, Ajinkya Udane and Maitrayee Garade for respondent.

Y. R. Mishtra with D. P. Singh and Sachindanand T. Singh for respondent Nos.3 and 4.

CORAM : AMIT BORKAR, J.

DATED : MAY 7, 2025

P.C.:

1. The applicant has approached this Court by way of the present interim application seeking permission to continue her stay in Poland, where she is presently residing with the minor daughter. In support of her prayer, she has given an undertaking to this Court that she shall remain available and appear before the Court

physically or virtually as and when directed. The applicant has also prayed that this Court may directly interact with the minor daughter, so as to ascertain the independent opinion of the child and to ensure that any further decision regarding her schooling and welfare is taken keeping in mind the paramount consideration of her best interest and emotional well-being.

2. On perusal of the record, it appears that the Family Court had passed an order dated 13th April 2022, wherein it partly allowed an application filed by the husband. By the said order, the wife was restrained from taking the minor child out of India without prior permission of the Court during the pendency of the family court proceedings. This order was subjected to challenge by the wife by filing Writ Petition No.6569 of 2022 before this Court.

3. By order dated 8th July 2022, this Court, after taking into account the facts of the case, made certain arrangements to ensure that the father was granted adequate access to the minor daughter. These directions are contained in paragraph 27 of the said order, which provided for detailed modalities for visitation during various vacation breaks, including winter, spring, and summer. The arrangement was as follows:

“(A) December/Winter Break: The father was granted access for three hours every day during the winter vacation, when the child was expected to be brought to India from 23rd December to 31st December 2022. Additionally, two overnight visits were allowed in the first year.

(B) April/Spring Break: The father was allowed overnight access for four days and five-hour daily access on the remaining days.

(C) June to August/Summer Break: The father was entitled to 25 days of overnight access, either continuously or in parts as per mutual convenience, and five-hour daily access for the remaining days of the summer vacation.”

4. This Court made further arrangements for access for the year 2023 onwards in paragraph 28 of the same order. The access schedule for the father was expanded in the following manner:

“(A) December/Winter Break: Five days of overnight access.

(B) April/Spring Break: Five days of overnight access.

(C) June to August/Summer Break: Thirty days of overnight access.”

5. In addition to the above, it was directed that the father shall continue to have daily access during the child's stay in India, similar to the arrangement provided for the year 2022.

6. The order dated 8th July 2022 passed by this Court was challenged by the respondent-husband before the Hon’ble Supreme Court in Civil Appeal No.5051 of 2022. However, the Supreme Court was pleased to confirm the said order and did not interfere with the access arrangement made by this Court.

7. Thereafter, two Miscellaneous Applications—being Misc. Application No.1206 of 2024 and Misc. Application No.1498 of 2023—were filed before the Supreme Court. These applications were disposed of by granting liberty to both parties to approach the appropriate forum to seek modification of the visiting rights, in case any of the directions contained in the order of the High Court are breached or require reconsideration due to change in circumstances.

8. From the record, it is clear that multiple interim applications and a contempt petition have been filed by both parties in connection with the enforcement of earlier orders passed by this Court. Among these, the order dated 8th July 2024, passed by the Coordinate Bench of this Court in Contempt Petition No.487 of 2023, assumes significance for deciding the present interim application. In the said order, the Coordinate Bench, after recording detailed reasons, came to a prima facie conclusion that the respondent-wife had disobeyed the directions of this Court—directions which had also been confirmed by the Supreme Court. Specifically, the Court found that the wife had failed to bring the child to India in July 2024, despite clear directions to do so under clause (C) of paragraph 23 of this Court's earlier order dated 8th July 2022.

9. The Coordinate Bench in paragraph 24 of the order dated 8th July 2024 recorded that a prima facie case of willful disobedience of the order dated 8th July 2022 (confirmed by the Supreme Court) had been made out. Accordingly, a notice under Rule 9 of the Contempt of Courts (Bombay High Court) Rules, 1994 was issued to the respondent-wife, calling upon her to show cause as to why proceedings for contempt should not be initiated for her alleged breach of the said order.

10. Further, it is relevant to note that the Coordinate Bench had passed another order on 18th October 2024, whereby it rejected an application filed by the wife seeking exemption from personal appearance in the pending contempt proceedings. This order refusing exemption was thereafter challenged before the Supreme

Court by way of Special Leave to Appeal (Civil) Nos.27016-27017 of 2024. The Supreme Court, however, dismissed the Special Leave Petitions, thereby confirming the refusal to grant exemption and implicitly upholding the requirement of her presence before this Court.

11. From the above sequence of events, it is apparent that the applicant-wife is seeking to re-agitate the issue indirectly by filing the present interim application, despite there being no change in factual or legal circumstances since the order dated 18th October 2024. It is well-settled law that once a higher forum, such as the Supreme Court, has considered and declined to interfere with a particular order, mere repetition of the request in a different form cannot be permitted unless material change is shown. The applicant has failed to establish any such change. Therefore, in the considered opinion of this Court, no case is made out for granting the reliefs sought in the present interim application.

12. Accordingly, the interim application is rejected.

(AMIT BORKAR, J.)