

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12483 OF 2025

IN

WRIT PETITION NO. 15881 OF 2023

Puneet Nitin Mehra	...Applicant
<u>In the matter between :</u>	
Puneet Nitin Mehra	...Petitioner
<i>Versus</i>	
Avni Jasraj Mehra	...Respondent

Ms. Prabha Badadare, Advocate for Applicant.
Ms. Firdaus Musa, a/w Ms. Dhvani Parekh i/by Jayakar & Partners
for Respondent.

CORAM: MADHAV J. JAMDAR, J.
DATED : 14th October 2025

P.C.:

1. The Interim Application is filed by the Applicant- Father seeking overnight access of the child during Diwali vacation.
2. Heard Ms. Badadare, learned Counsel for the Applicant and Ms. Musa, learned Counsel for the Respondent.
3. Ms. Musa, learned Counsel raised several contentions and submitted that the overnight access be not granted.

4. The Supreme Court in the case of **Yashita Sahu Vs. State of Rajasthan**¹ has held that a child, especially of tender years requires the love, affection, company, protection of both parents. This is not only the requirement of the child but is his/her basic human right. Just because the parents are at war with each other, does not mean that the child should be denied the care, affection, love or protection of any one of the two parents. A child is not an inanimate object which can be tossed from one parent to the other. Every separation, every reunion may have a traumatic and psychosomatic impact on the child. Therefore, it is to be ensured that the court weighs each and every circumstance very carefully before deciding how and in what manner the custody of the child should be shared between both the parents. Even if the custody is given to one parent the other parent must have sufficient visitation rights to ensure that the child keeps in touch with the other parent and does not lose social, physical and psychological contact with any one of the two parents. It is only in extreme circumstances that one parent should be denied contact with the child. Reasons must be assigned if one parent is to be denied any visitation rights or contact with the child. Courts dealing with the custody matters

¹ (2020) 3 SCC 67

must while deciding issues of custody clearly define the nature, manner and specifics of the visitation rights.

5. The above principles are required to be kept in mind while deciding this Interim Application.

6. The Applicant, who is the father has sought overnight Diwali vacation access of the child of 8 years. He is seeking 5 days overnight access from 17th October 2025 to 26th October 2025.

7. Although Ms. Musa, learned Counsel have initially opposed the relief, however, on instructions, states that the Respondent is agreeable for Diwali access on 18th October 2025, 19th October 2025, 21st October 2025 in the morning for 3 hours and on 24th October 2025 and 25th October 2025. She submits that the child is having school picnic upto 15th October 2025, in the evening on 17th October 2025 there is some family function in the family of the Respondent-mother and on 20th October 2025 evening, there is Pooja in the house of the Respondent-mother.

8. It is admitted position that both the parents are staying in same locality.

9. In the facts and circumstances, following Order is passed with the consent of the parties:

O R D E R

Overnight access of the child will be given to the Applicant-Father as per the following particulars :-

- (i) From 11.00 A.M. of 16th October 2025 to 5 P.M. of 17th October 2025.
- (ii) From 11.00 A.M. of 18th October 2025 to 5 P.M. of 20th October 2025.
- (iii) From 11.00 A.M. of 21st October 2025 to 8.00 P.M. of 22nd October 2025.

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

BHALCHANDRA
GOPAL DUSANE

(MADHAV J. JAMDAR, J.)

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
Date: 2025.10.14
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