

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL WRIT PETITION NO.860 OF 2025**

Dr.Padmashree Vijay Kadam & Anr. .. Petitioners  
vs.  
State of Maharashtra & Ors. .. Respondents

Mr.Yogendra Kanchan a/w Jovita Pereira for the Petitioners.  
Ms.Supriya Kak, APP for the State.

**CORAM : BHARATI DANGRE &  
SHYAM C. CHANDAK, JJ  
(IN CHAMBER)**

**DATE : 10<sup>th</sup> DECEMBER, 2025.**

**P.C.**

1 The Writ of Habeas Corpus filed by the parents of Rushiil, a minor, seek his custody from Respondent No.4 the grandmother, who is the mother of Petitioner No.1.

Considering the fact that the Petitioners are the parents of Rushiil, though according to Respondent No.4, he was all the while staying with her, and for some point of time alongwith Petitioner No.1, we deemed it appropriate to interact with the Parties in chamber.

2 As per our direction, Rushiil is present before us alongwith his parents, Petitioner Nos.1 and 2 and his grandmother, Respondent No.4.

After interviewing the child, whom we found to be mature and with significant understanding, as per his wishes and desire, a consensus is arrived between the Parties.

We must keep in mind that the Parties have agreed that welfare and interest of Rushiil being a paramount consideration, the consensus arrived will take care of his interests.

3 Rushiil is now studying in 7<sup>th</sup> Standard in Cambridge School Kandivali (East) as he is presently staying with his grandmother. His mother, Petitioner No.1 is staying at Chandivali, Powai and his father, Petitioner No.2 is residing at Ghatkopar.

Though we are not desirous of dividing the child area-wise, though his family members are divided and had separate life, but as a practical solution to the triangle which exist as he will have to shuffle between father, mother and the grandmother, the following consensus is arrived at :-

i. As far as the present academic session is concerned, Rushiil will continue to stay with his grandmother, as his examination for 7<sup>th</sup> standard is scheduled till the last week of March, 2026. However, while he shall continue to reside with his grandmother, he shall be permitted to visit his parents. He is also agreeable that he shall spend upcoming Christmas vacation with his parents.

ii Petitioner No.1, his mother shall find an appropriate school for him in the area closer to the area where she reside and when such admission is sought in the new school, he shall shift with Petitioner No.1 and continue to reside there. Needless to state that, if for the purpose of securing admission his

participation is required, he is free to accompany her.

iii After the admission is secured in new school while Rushiil will be staying with Petitioner No.1, he is permitted to visit his grandmother at least two times in a month and this would preferably be on the weekends, however, on ensuring that his studies and other activities are not in any way disrupted.

iv As far as Petitioner No.2, father is concerned, Rushiil is agreeable that he will divide his Saturdays and Sundays in the month accordingly, so that he spends quality time with his parents.

v As far as grandmother is concerned, she had expressed to us that may be after a period of six months, she will be required to shift to Ratnagiri as the house where she is presently residing is under redevelopment. She, therefore, request that Rishiil may be permitted to visit Ratnagiri in vacation, but which shall be for a little longer duration. Rushiil agree to the same.

Similarly, the Petitioners also express no objection in he visiting grandmother by adjusting his other activities including studies, extra classes or any other activity.

vi Whenever Rushiil will be staying with his mother, the grandmother will be at liberty to contact him on his mobile phone, without any restriction and similar is the case, when Rushiil will be staying with his grandmother, his parents will be at liberty to contact him on mobile.

In addition, if the grandmother is desirous of meeting Rushiil by coming to Mumbai, she shall be permitted and there shall be no impediment in Rushiil meeting his grandmother and

even staying with her in a hotel overnight.

4 In the wake of above, the abovesaid consensus being arrived, the Writ Petition is disposed of.

[SHYAM C. CHANDAK, J.]

[BHARATI DANGRE, J.]