

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2025 OF 2025
IN
WRIT PETITION NO.2880 OF 2024

Mrs.Vanitha Ashok Shetty and Anr. .. Applicants/Petitioners
Vs.
Mrs.Saritha Sunil Rao & Ors. .. Respondents

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Mr.D. Mhaispurkar a/w. H.K. Sudhakara i/b. M/s.HKS Legal, advocate for the
Applicants/Petitioners.

Mrs.Sharmila Kaushik, APP for the Respondent – State.

PSI R.G. Gujar, Malad Police Station, Mumbai, present.

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CORAM : BHARATI DANGRE (THROUGH VC) &
MANJUSHA DESHPANDE, JJ.

DATE : 22nd AUGUST 2025.

P.C. :

Heard.

2. This Court has passed order on 7th August 2024 with the directions in favour of the Petitioners, to have access to their father at the residence of Respondent No.1 on first Sunday of every month for two hours between 11:00 a.m. to 01:00 p.m. It was also made clear that Respondent No.1 should leave their father alone, in the company of the Petitioners during the meeting with their father. Relevant portion of the said order in paragraph no.4 is reproduced hereunder:

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“4] With this understanding, we deem it appropriate to permit the Petitioners, alongwith their family members, to have access to the father in the residential house of Respondent No.1 on first Sunday of every month for two hours, between 11.00 am to 1.00 p.m.

It should be kept in mind that in no way they shall create any unpleasant atmosphere in the house and preferably, the Respondent No.1 shall leave father in the company of the Petitioners, at the time of the meeting.

In addition, the Petitioners are permitted to avail access to their father telephonically twice in a month, as per his convenience.

Further, Respondent No.1, shall also keep the Petitioners updated about any health issue of their father or in case if he is hospitalized.”

3. The Applicants who are original Petitioners have moved this application making a grievance that, though directions are issued to leave the father alone with the Petitioners, the Respondent No.1 has interpreted the order to mean that Respondent No.1 is allowed to stay alongwith the father during the meeting. The word, “preferably” is interpreted by Respondent No.1 to mean that he should remain present while the meeting is going on with the Petitioners.

4. The learned advocate for the Respondents is present, in his submission he reiterates that the word, “preferably”, used in the order means he should remain present during the meeting. After hearing the parties, we have passed this order dated 22nd August, 2025, while passing the order there was no doubt whatsoever, that we wanted the Petitioners to spent some time in privacy alongwith their father, therefore, we had directed that Respondent No.1 shall

leave the father in company of the Petitioners meaning thereby he will not remain present in the same room when the Petitioners meet their father. It is, therefore, made clear that on the day of the meeting with the father, the Respondent No.1 shall not remain in the same room while the Petitioners are meeting their father.

5. In view of this clarification, this Interim Application stands disposed of.

[MANJUSHA DESHPANDE, J.]

[BHARATI DANGRE, J.]