



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Writ Petition No. 3442 of 2024

[Sandeep s/o Shivkumar Agrawal **vs.** Vinita w/o Sandeep Agrawal,
Vinita d/o Dharamraj Dwivedi through power of Attorney Kalicharan R. Thakur]

Office Notes, Office Memoranda
of Coram, Appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. Sudheer Voditel, Advocate for the petitioner
Mr. Anand Parchure, Advocate for the respondent

CORAM: **ANIL L. PANSARE**
AND RAJ D. WAKODE, JJ.

DATE : **10-12-2025.**

Having heard for some time, there are certain issues which will have to be dealt with by leading evidence as regards deviant behaviour of the child whereby she expressed before the learned Single Judge of this Court her desire to not speak to the petitioner – father. As such the expectation of father that he should get access to child at least in vacations, appears to us to be legitimate. The question, however, is whether the respondent – mother is responsible for deviant behaviour of the child who has shown her disinclination to even speak to her father.

2. The petitioner's counsel is relying on the guidelines issued by the Child Right Foundation on the point of child access and visitation, which were circulated in the year 2011 by the then Hon'ble Guardian Judges of the Family Courts in the State of

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Maharashtra amongst the Family Court Judges and the Marriage Counsellors.

3. The argument is that since the child is in custody of respondent for last five years and petitioner was not given access, it will be respondent's duty to explain deviant behaviour of the child in terms of clause 21 of the above guidelines.

4. We have gone through the said clause. It speaks of shifting of custody of child from the custodial parent to the non-custodial parents on their being conclusive evidence to substantiate either any one or more has made an unjustifiable attempt to deny regular uninterrupted visitation to non-custodial parent. Thus, the inference is to be drawn on the basis of evidence.

5. Accordingly, we permit the petitioner to approach the Family Court to put forth this issue where parties will be at liberty to lead evidence in support. If such application is filed, the same shall be decided as expeditiously as possible.

6. At this stage, learned counsel for the petitioner submits that the dispute itself pertains to custody of child which may be expedited. Accordingly, we request Family Court, Nagpur to take endeavour to decide the proceedings as expeditiously as possible and preferably within six months from today. The parties shall cooperate for expeditious disposal of the case.

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7. The petition is disposed of in aforesaid terms.

(JUDGE)

(JUDGE.)

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