

Salgaonkar

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO.3036 OF 2026****IN****WRIT PETITION NO.6381 OF 2023**

Rajendra Mhatre

.. Applicant

Versus

Vaidehi Mhatre alias Ashwini .. Respondent
Harshwardhan Mhatre

...

Ms.Meenaz Kakalia for the Applicant/Petitioner.

Mr.Vinay Chavan for the Respondent.

**CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.**

DATE : 24th APRIL, 2026

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P.C:-

1. Pursuant to the order in Interim Application No.3036 of 2026, the Petition is amended by the Petitioner with the following prayer :-

“(b1) That this Hon’ble Court be pleased to permit the Petitioners’ custody of the child during extended school vacations for a period of two weeks and to consequently suitably modify the order dated 4th January 2023 to that effect.”

2. In view of the aforementioned prayer, the Petitioner is seeking custody of the child during the extended school

vacation for a period of two weeks. In the Writ Petition, the Petitioner has made a prayer for quashing and setting aside the order dated 03/04/2023, passed by District Judge, Panvel, whereby the application made by the Petitioner seeking custody of the minor child for two days in a week and stay with the Petitioner/Grandparents, has been decided and an order has been passed allowing the application, by directing both the parties to choose a neutral place and particular time on every Saturday and Sunday to have access of the child for three hours as per the convenience of the child. Accordingly, the grandparents are meeting the child on every weekend, however, in view of the approaching summer vacation of the child, prayer is made by the grandparents that they should be allowed to avail the access of the child, by allowing the child to stay with them overnight, instead of allowing them to meet the child within a limited period of three hours.

3. Since the access, which is already granted, is going on smoothly without any impediment, we do not see any harm in considering the prayer made by the Petitioner, more particularly on the background of the fact that, the father of the minor child has passed away on 24/01/2024, during the pendency of the proceedings. Prior to death of the father, the

parties were residing together as family and the grandparents have attachment towards their only grandchild, with whom they want to maintain connection with.

4. Although the prayer of the grandparents is resisted by the Respondent, by contending that the child is of tender age, therefore, will not be able to stay away from her during night, Considering that the child is already meeting the grandparents on every weekend, and he already shares a bond and established connection with them, the overnight access will help to strengthen that bond further. Hence, we do not see any impediment in allowing the prayer made by the grandparents and, accordingly, we pass the following order.

: ORDER :

(a) The Applicant is permitted access of the child Priyansh between 9th May to 15th May, 2026 and 2nd June to 5th June, 2026.

(b) The Applicant shall pick up the child from the house of the mother and after the access is over, they shall also drop the child to her house.

(c) During the said period, the mother is also permitted to meet the child, if she so wishes and even reside with the grandparents.

(d) However, if the weekend access falls immediately after the vacation access availed, the access permitted on said days shall be waived by the Applicant.

(e) We hope and trust that the arrangement made by this order shall continue in all the forthcoming school vacations, so that the bond once shared between the child and the grandparents, shall strengthen and continue. Any such future arrangement shall be worked out by the parties, as per their convenience.

5. So far as the prayer for extending the time to five hours in the weekend visit is concerned, we do not find that the said prayer deserve consideration, since what matters is the quality time spent by the parties and not the length of time. However, we clarify that the period of three hours, which is already granted, shall be excluding the travel time.

6. With the aforementioned directions, the Interim Application alongwith the Writ Petition stands disposed of.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)