

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
INTERIM APPLICATION NO.3279 OF 2026  
IN  
FAMILY COURT APPEAL NO.37 OF 2025**

Prajwal Prakash Mhatre .. Applicant  
vs.  
Shital Prajwal Mhatre .. Respondent

Mr.Vikrant Khare a/w Mr.Ganesh Pandit for the Applicant.  
Mr.Anand Bangar i/b Mr.Hitesh Sangle for the Respondent.

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

**DATE : 6<sup>th</sup> MAY 2026**

**P.C. :**

1 At the outset, the learned counsel for the Applicant is permitted to correct the date in prayer clause (a) of Para 16 of the Interim Application, forthwith, wherein the year is inadvertently mentioned as 2025.

Re-verification is dispensed with.

2 Interim Application No.3279/2026 is taken out by the Applicant/father, seeking access to the child during his vacation period commencing from 01/05/2026 to 31/05/2026.

In the previous order dated 16/05/2026 passed in Interim Application No.8326/2025, when the matter was listed before the Division Bench with a similar prayer, claiming access to the child, the counsel for the Respondent(wife) readily agreed to grant access for a period of 10 days, and in the wake of the said statement, the Application was disposed of.

We are informed that the Applicant/father, therefore, availed the access of the child including overnight access from 19/05/2025 to 24/05/2025 and further from 26/05/2025 to 30/05/2025.

3 From the orders passed in the Family Court Appeal, we have noted that on 18/07/2025, the child was produced before the Court and on 24/07/2025 the Court recorded that the Parties are given an opportunity to explore the possibility of amicable settlement as the Court desired to have a joint parenting plan to be implemented.

The order dated 24/07/2025 record that the Parties shall ponder over the plan of joint parenting.

4 The order dated 07/03/2025, passed by the Division Bench, during the pendency of the Appeal is also brought to our notice, when the father requested access of the minor child and the Appellant-wife expressed her readiness and willingness to grant access and, therefore, it was directed that the father shall avail the access of Shivansh on every Sunday between 10.00 a.m to 5.00 p.m. by taking him to his home.

We are informed that this arrangement is also not strictly followed as the mother did not allow the access to be fruitful and

rather it is the contention of the learned counsel that the access is denied.

5 What we have noted is, the possessiveness of the mother, the custodial parent and we are informed by the learned counsel representing the wife that the child has been referred to a Psychologist.

We really find this to be disturbing as had the child been permitted to enjoy the company of both his parents i.e. mother and father and since we are of the view that the presence of both the parents in the life of the child is of great significance, which assist him in developing into a healthy individual, and if this would be permitted, probably there would be no need for the child to be referred to Psychologist.

The child is in the formative years of development and being 8 years old, can be shaped as what the mother mould him into; if the mother imbibe into him that it is not healthy for him to be in the company of the father, the child will carry that fear and with this feeling he will grow up.

At this stage, whatever may be the discord between his parents, in our view the child must get the love of both, the father and the mother.

In any case, the custody of the child is with the mother and what the father/Applicant seeking is only access for a limited period as the child is having vacation.

6 We also find it very disturbing that the mother is not abiding by her own undertaking, where she agreed to provide access of child to the father on every Sunday and the more she

resist this arrangement, we are sure that the child will move away from the father and this is what precisely we want to be avoided.

7 From the previous orders, it is evident that the court was attempting to have a joint parenting programme and we would focus upon the same on the next date of hearing.

However, in the meantime, since the child is having school vacation, we permit the father to have the company of the child from 15/05/2026 to 20/05/2026, and we expect the father to pick up the child from his mother's place at 9.00 a.m. on 15/05/2026 and drop him by 6.00 p.m. on 20/05/2026.

The second slot in which the access can be availed by him is from 01/06/2026 to 06/06/2026 with the similar stipulation of the child being picked up and dropped.

We direct that when the child continue to stay with the Applicant/father, he shall be permitted to establish telephonic contact/video calling with the mother and he shall not be denied the opportunity to be in touch with her, though not physically.

8 After the aforesaid arrangement is availed, we direct that the wife shall ensure compliance of her undertaking in terms of order dated 07/03/2025 and allow the father to avail the access of child on every Sunday between 10.00 a.m. to 5.00 p.m. provided the father visits her place and pick up the child.

Interim Application is allowed in the above terms.

[MANJUSHA DESHPANDE, J.]

[BHARATI DANGRE, J.]