



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

WRIT PETITION NO.8507 OF 2025

Manohar S/o Sadashiv Dipte Vs. Dr. Swapnil S/o Vinayakrao Kukade and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.M. Bhangde, Advocate for petitioner.

CORAM : M.W. CHANDWANI, J.

DATE : 05.01.2026.

1. The petitioner challenges the impugned order dated 01.07.2025 passed by the Family Court, Akola whereby, in Interim Application No.40/2025, respondent no.1 was permitted to withdraw his consent dated 01.04.2024 for visitation of the petitioner, who is the maternal grandfather of the respondent no.2.

2. The contention is that the daughter of the petitioner and the mother of respondent no.2 died under suspicious circumstances. Since then, the custody of respondent no.2 is with respondent no.1. The petitioner filed a petition for custody of respondent no.2 before the Family Court, Akola. Pending the petition, with help of the Marriage Councilor, respondent no.1 consented for visitation of the petitioner with the respondent no.2. However, later on, the said consent was withdrawn by respondent no.1 on the ground that the petitioner is poisoning the mind of respondent no.2 against respondent no.1 and therefore, he filed an application for withdrawing the consent of visitation given

by him to the petitioner. By the impugned order, the said permission to withdraw the consent was granted, which is under challenge in this petition.

3. Since, the application for custody of respondent no.2 is pending before the Family Court, Akola, I am of the view that instead of going into visitation right granted on the consent which was withdrawn, the petition can be disposed of by directing the Family Court to decide the application for the custody finally preferably within two months from the date of receipt of this order.

4. With the above directions, the petition stands disposed of.

5. Needless to mention that the Family Court, Akola shall not get influenced by the order of withdrawal of consent by respondent no.1 and shall decide the application for custody independently. No order as to costs.

(M.W. Chandwani, J.)

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