
(2021) 10 BOM CK 0112

In the Bombay High Court

Case No : Writ Petition No.2163 Of 2021 (Filing)

Amey Dilip Sardessai

APPELLANT

Vs

Gayatri Amey Sardessai

RESPONDENT

Date of Decision : 25-10-2021

Acts Referred:

Citation : (2021) 10 BOM CK 0112

Hon'ble Judges : Manish Pitale, J

Bench : Single Bench

Advocate : Asha A. Desai, S. Kamat

Final Decision : Disposed Of

Judgement

Manish Pitale, J

1. By this Writ Petition, the petitioner has challenged order dated 13/10/2021 passed by the Adhoc District Judge-I, FTC, Panaji whereby an application for grant of interim relief filed on behalf of the petitioner has been dismissed.
2. By the said application, the petitioner, who is the father of the minor child, sought temporary custody of the child, particularly on days of festival like Dussehra, festivals and special occasions.
3. It appears that the Court below was not inclined to grant temporary custody of the child for the festival of Dussehra on 15/10/2021.
4. By the time the Writ petition has come up for consideration the festival of Dussehra is over. Hence, the petitioner is pressing for temporary custody of the child for the festival of Diwali, which falls on 04/11/2021.
5. For the present, the petitioner has been granted only visitation rights on every Sunday, Wednesday and Friday. The timing of the visiting rights stood extended by one hour i.e. from 4.00p.m. to
7. 00p.m. on the aforesaid days by an order dated 27/09/2021 passed by this

Court in Writ Petition No.219 of 2021.

6. The respondent i.e. the mother of the minor child has appeared suo motu and the learned Counsel appearing for the respondent has handed over an affidavit, which is taken on record.

7. It is an admitted position that an appeal filed by the petitioner challenging an order rejecting grant of temporary custody is pending before the Court below and this Court by the aforesaid order dated 27/09/2021, has already directed that the appeal shall be disposed of within a period three months from the date of order.

8. Considering the aforesaid admitted facts and material on record, this Court is inclined to dispose of the Writ Petition at this stage itself.

9. Since 04/11/2021 i.e. the day of Diwali happens to be a Thursday, which is not one of the days on which the petitioner is granted visitation rights, in the interest of justice, it is directed that the petitioner shall have visitation right of the minor child in the ancestral house of the respondent between 4.00p.m. to 7.00p.m. on 04/11/2021. The learned Counsel appearing for the respondent, on instructions, submits that the respondent has no objection to the said arrangement for the day of festival of Diwali.

10. Accordingly, the Writ Petition is disposed of in the above terms and it is directed that the petitioner shall be extended visitation rights of the minor child on 04/11/2021 i.e. Thursday between 4.00p.m. to 7.00p.m. in the ancestral house of the respondent.

11. Needless to say, this Court has not made any comments on the rights of the rival parties on the question of temporary custody of the minor child.