

**ORDER BELOW EXH.27**

(Passed on 14.10.2022)

1. Applicant husband filed present application with a prayer to modify earlier order passed below Exh.4 on 04.08.2022 only to the extent of access/meeting of applicant with his minor child on 16.10.2022. In the same application applicant prayed for relief that meeting of applicant with his minor son may be allowed to be held in private hotel located at Khamgaon. Respondent's wife filed reply at length.

2. I have heard Advocate Mr.M.M.Sharma appearing for the applicant and Advocate Mr.K.V.Mishra appearing for the respondent.

3. Originally applicant husband filed a petition under Section 7, 25 of the Guardian and Wards Act, 1980 for custody of his minor son age 8 years. Respondent caused appearance in this proceeding and filed her reply. Both parties are contesting this case by teeth and nails. Both parties are not leaving any opportunity to make allegations and counter allegations against each other. Learned Predecessor of this Court as per order dated 04.08.2022 below Exh.4 acknowledged interim visiting rights of applicant with his minor son. By that order learned predecessor of this Court permitted applicant to meet his son on second and

forth Sunday of every month from 10.00 a.m. to 6.00 p.m. on the convenient, suitable place for minor.

4. On this backdrop, it is contention of applicant that on 25.09.2022 applicant could not meet his son as there was *Sarvapitri Amavsya*. On coming 23.10.2022 there is a Diwali so he could come and meet his son. Thus, applicant prayed that in lieu of meeting 25.09.2022, 23.10.2022 applicant may be permitted to meet his son on 16.10.2022. Thus, applicant want to take exception to the order passed below Exh.4.

5. As a matter of record interim order passed below Exh.4 still hold the ground. Because none of the party has challenged that order. Thus, that order is still binding on both the parties and without their being any plausible, cogent, compelling reason this Court can not interfere with that order. Moreover, order below Exh.4 in totality does not require any amendment.

6. However, it is equally true that first meeting of applicant with his son invited pursis Exh.23 filed by respondent. In Exh.23 respondent made allegation against applicant about the meeting held between applicant and his son. At this juncture said aspect can not be gone in to by the Court. Out come of the main petition will be subject to merit. It is evident that applicant could not meet his son on

25.09.2022 and due to Diwali on 23.10.2022 he could not meet his son. So to that limited extent application deserves to be allowed. Grounds are satisfactory. Hence, following order is passed.

**ORDER**

1. Application Exh.27 is partly allowed as follows.
2. In lieu of meeting dated 25.09.2022, 23.10.2022 applicant is permitted to meet his minor son on 16.10.2022 between 11.00 a.m. to 1.00 p.m.
3. Meeting shall be held at the place for which both parties consented. In absence of such mutual consent it shall be held at a place as ordered in Exh.4.
4. During such meeting applicant, respondent shall abide all the conditions imposed as per earlier order dated 04.08.2022.
5. Both parties are directed to ensure, safe, peaceful meeting.
6. Hence, application is allowed as above.
7. Rest of the prayers stand rejected.

Khamgaon  
Dt. 14.10.2022

(Prasad P. Kulkarni)  
Ad-hoc District Judge-2,  
Khamgaon.

**Certificate**

I affirm that, the contents of this P.D.F. file are correct, word to word, as per original Order.

Name of Court : Ad-hoc D.J.-2, Khamgaon,  
Name of Steno : Govinda D. Bhoite (Stenographer Grade-3)  
Dictated On : 14.10.2022.  
Typed, Checked & Signed On : 14.10.2022.  
Decided On : 14.10.2022.  
Uploaded On : 14.10.2022.