

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS
JUDGE,
PUNE AT PUNE.**

**ORDER BELOW EXH.339 IN CIVIL SUIT NO.10/2017,
30/2019 and CRIMINAL M.A. NO.444/2019**

1] This is an application filed by the defendant-wife for restraining the plaintiff-husband, from removing the child Marc out of Pune and out of D38, Pinnacle Ridge, Undri-NIBM, Pune, as well as to restrain him from taking all unilateral decisions pertaining to the child viz. academic, medical etc. during the pendency of the suit, without consent in writing of the defendant.

2] The applicant contended that as per the order of the Hon'ble High Court and the Hon'ble Supreme Court, the custody of Marc is placed with the defendant-husband. But, he is misusing that right. He is not allowing the child to undergo any Counselling because effective counseling will wipe out the efforts put by him to alienate the child from the mother.

3] The applicant further contended that the plaintiff took out Marc to the Delhi and informed her by an E.Mail and went to Delhi on 9th March 2022. No other information was given to her prior to that. The consent terms dated 22-01-2021 are clear that father will not take Marc to any other place other than the present residence at Pune, without the permission of

the mother during this stay. It is lastly prayed to allow the application.

4] The respondent by filing say at Exh. 343 strongly objected the application by contending that the application is falsely filed with intention to harass the plaintiff. It is contended that no such consent terms were passed as alleged by the applicant-defendant. An E.mail (Exh.'A') dated 8-3-2022, is sufficient to show that the information about travelling to Delhi alongwith Marc was given to the mother-applicant.

5] He pointed out the order of the Hon'ble Justice Shri. G.S.Patel, dated 16-08-2018. It is lastly prayed to reject the application with costs.

6] Heard the learned advocates for both sides.

7] Perused the order passed by the Hon'ble Court, Bombay dated 16-8-2018. The order clarifies that, *'this order is without prejudice to all proceedings pending adjudication before the learned Principal District Judge at Pune.'*

8] Apart from all other things, in the interest of justice and equality, the mother is also entitled to know as to where is Marc?. Only giving information two days before moving Marc is certainly torture/harassment. It is mischief on

the part of the plaintiff-husband. Therefore, in the interest of justice, it is necessary to restrain him prior to moving Marc out of Pune, without the order of this Court, as this Court has decided such applications frequently. Further, it is necessary that the plaintiff- father of Marc, shall not take decisions regarding academic, medical etc. without consent of the defendant. In this regard also it is necessary to direct the plaintiff-husband to apply before this Court before taking any major changes regarding academic and medical issues etc. Hence, the following order:-

ORDER

- 1] The application Exh.339 is allowed.
- 2] The plaintiff is restrained from removing Marc out of Pune City without taking permission of this Court, till decision of the cases.
- 3] The plaintiff is further restrained from taking all unilateral decisions regarding academic and medical etc. pertaining to Marc, without the consent in writing of the defendant as per the consent terms dated 22-01-2021.

Place – Pune
Date - 18.05.2022

(Sanjay A. Deshmukh)
Principal District & Sessions Judge
Pune.