

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

**ORDER BELOW EXH.365 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, the father of the child Marc, from discussing Court matters with the counselor appointed by this Court or otherwise appoint another counselor.

2] The applicant-wife contended that Dr.Naina Athwale, counselor is discussing with the Marc, plaintiff and defendant. During every meeting with the counselor, the plaintiff-husband keeps bringing up the Court issues and orders before the said counselor in the presence of Marc. Therefore, Marc has been suddenly started hating his mother-applicant. Therefore, she filed this application for appointing another counselor in the matter for counseling Marc.

3] The respondent strongly opposed the application by contending that false application is filed. No such incident took place. The applicant is causing disturbance. It is lastly prayed to reject the application.

4] Heard the advocates for both sides.

5] Perused the record and proceeding.

6] The confidential report without requisition by this Court sent by the counselor Dr. Naina Athalye,. This Court has discussed with Dr. Naina Athalye. However, after discussion

with her, it is revealed that she is bias and tilted towards the respondent/husband. Therefore, appointment of another counselor is necessary in the interest of justice. This mischievousness will not happen again therefore, the plaintiff-husband is restrained for bringing up the Court issue before the Marc and Counselor. Considering the welfare i.e. paramount interest of Marc, in the interest of justice, the application deserves to be allowed. However, the argument of the learned advocate for the husband/plaintiff is not acceptable that false application is filed by wife/applicant. Hence, the following order:-

- :**ORDER**:-

1. The application (Exh.365) is partly allowed.
2. The plaintiff-husband is temporarily restrained from discussing Court matters and orders with Marc till the decision of this case.
3. The plaintiff-husband is further restrained from bringing up the Court issues, while counselor is discussing with Marc, as per the order of visiting right given to the mother-defendant of the Marc.
4. The earlier order of appointment of Dr. Naina Athalye, child counselors, is set aside and counselor **Mrs. Sangita Pande** is appointed as a counselor for counseling Marc during visit with his mother.

Place – Pune
Date - 18.05.2022

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

