

ORDER BELOW EXH 10 IN PWDVA No.15/2025

(Order dated 02nd February 2026)

The instant application is moved on behalf of respondents u/s.21 of the Protection of Women from Domestic Violence Act, 2005 for regular and vacation access and for parenting plan of child Priyansh.

2. As per contentions of respondents, child Priyansh about 4.5 years old is in custody of applicant. Respondent No.1 is not allowed to meet and talk to his beloved son. Being father respondent No.,1 interested to know about well-being and academic progress of his son. He is interested to know and take part in school activities of his son. He is also interested to know past medical records and vaccination details of his son. He has great bonding with his son. Hence, respondent no.1 prayed to direct applicant to share past medical records and vaccination details of his son. He further prayed to direct applicant to prepare joint parenting plan with respondent No.1 within 30 days and she shall not remove the child out of India without taking permission of this Court. He prayed to grant 50 % overnight vacation access of child Priyansh during school vacations and temporary overnight access on every Friday evening till Sunday evening. He prayed to direct applicant to schedule a daily video call between 8.00 p.m. to 9.00 p.m. He prayed to direct school authorities to provide documents/information regarding his all school record and allowed respondent No.1 to come to school for getting information

regarding academic progress, other school activities and add his name and contact details in school records and mobile app for getting regular update of his son.

3. Applicant filed say at Exh 16 and strongly opposed the application. According to her the present application is not maintainable in the present form. She never denied or restrict respondent No.1 and his family members to talk with Priyansh. But respondents never attempted to make contact with Priyansh since 23/05/2024. She left matrimonial house on 17/03/2024. She used to call respondents to check for their well-being and health but they never showed interest in talking Priyansh. Applicant called respondent No.1 in early days of her stay in Pune to talk and meet Priyansh but respondent No.1 refused to do so. Applicant also invited respondent No.1 to meet Priyansh at neutral locations but respondent No.1 refused to meet Priyansh. Respondent No.1 is not interested in his son's academic and emotional development.

4. She further submitted that respondent No.1 is residing at Mumbai, it is not feasible to take Priyansh to Mumbai from Chakan on every week. Priyansh has problem of motion sickness. He is just 4.5 years old and he needs mother's affection. Mother and father of respondent no.1 are above 60 years old diabetic and thyroid patients. Respondent No.1 is always busy on Saturday Sunday with his friends. Respondent No.1 has love for himself and his beloved Dhanshri Ekhe. She does not have any plan to shift in foreign country. Video calls

are not possible due to her working hours till 8.00 p.m. Respondent No.1 can meet Priyansh in Court premises on Court date if he has holiday on that day. Respondent No.1 is absent father. Hence, she prayed for rejection of application.

5. Heard ld. Counsel for applicant and respondent at length. Ld. Counsel for respondents has placed his reliance on following case laws.

Payal Sudeep Laad vs Sudeep Govind Laad & Ors. CRIMINAL APPLICATION NO.186 OF 2018 decided on 2nd November 2018 Wherein Hon'ble Bombay High Court held that, *"The interim child visitation guidelines indicates that the basic principles of the Court are to ensure that the child/children yet to spend equal or substantial significant time to be showered with love and affection from both the parents irrespective of parents conflict"*

Yashita Sahu vs State of Rajasthan & Ors. CRIMINAL APPEAL NO. 127 OF 2020 decided on 20/01/2020 Wherein Hon'ble Bombay High Court held that, while deciding matters of custody of a child, primary and paramount consideration is welfare of child. If welfare of the child so, demands then technical objections cannot come in the way. However, while deciding the welfare of the child it is not the view of one spouse alone which has to be taken into consideration. The courts should decide the issue of custody only on the basis of what is in the best interest of the child. It is further held that a child, especially a child of tender years

requires the love, affection, company protection of both parents. This is his basic human right. Just because the parents are at war with each other, does not mean that the child should be denied the care, affection, love or protection of any one of the two parents.

Ketaki Ghokhale vs Anand Chandani MISC. CIVIL APPLICATION NO. 806 OF 2024 (F) IN WRIT PETITION NO. 1429 OF 2023 (F) decided on 14/06/2024. In this case Hon'ble High Court of Bombay held that, 'Mother is permitted to travel to USA subject to condition that, father shall have video conferencing rights with child during that period. Father was permitted overnight access with child during summer vacation and mother shall have video conferencing rights with child during that period.'

Shantanu Dhananjay Pashankar vs Pooja Shantanu Pashankar , WRIT PETITION NO.5421 OF 2019 decided on 02 May 2019. In this case Hon'ble High Court of Bombay held that, 'Being a father, it is but natural for the petitioner to claim overnight access of the daughter. It is also necessary for proper psychological and physical development of the child to have access of both the parents.'

Aditi Bakht vs Abhishek Ahuja MAT.APP.(F.C.) 162/2022 & CM APPL. 43732/2022 decided on 12/10/2022.

In this case Hon'ble Delhi High Court held that *spending quality time with both parents not be limited to a day-time*

visitation.

6. In the backdrop of above legal position and argument advanced by both the side. I have perused record and circumstances of the present case. The main application is filed under the Protection of Women from Domestic Violence Act, 2005. Admittedly, applicant and respondent no.1 are husband and wife having child Priyansh (4.5 years old) out of wedlock. They are residing separately for more than one year. Applicant is residing at Pune and respondent No.1 is residing at Mumbai. Custody of Priyansh is with applicant. Respondent No.1 by way of present application wants to enforce his right of child access as prayed in application.

7. Respondent No.1 first prayed to direct school authorities to inform him about school records, activities of his son and to add his mobile number in school record to get him school updates. In regards it is stated that, respondent No.1 can directly approach school of his child to know about his academics and school activities. It is not the contentions of respondent No.1 that school authorities are denying to inform him about school records and activities of Priyansh. It is also not brought on record that school authorities denied to add his mobile number in school record. It appears that, without approaching school authorities respondent No.1 requested to direct school to inform him about academics of his son. Therefore, I do not find any substance in such prayer of respondent No.1.

8. Respondent no.1 requested to grant regular overnight access of his child on weekends. As stated earlier applicant and respondent No.1 are residing in different cities. No doubt Priyansh needs love and affections of his father as well. But it is not feasible to grant weekly overnight access on every Friday evening 6.00 p.m. till Sunday 6.00 p.m.. It is not just and proper to compel little child aged 4.5 years to travel Pune to Mumbai on every weekends. It is also not feasible to ask Priyansh to bunk his school on every Saturday. Considering the peculiar facts and circumstances of present case it is just and proper to permit respondent No.1 to visit his child twice in month in Pune instead of overnight access in every week.

9. Respondent No.1 further claimed 50% overnight access of his child during vacations. As laid down in above reported judgments, child Priyansh needs to spend quality time with his father and grand-parents during vacations. Therefore, it is just and proper to grant such prayer of respondent No.1. Objections raised by applicant in that regard are not sustainable. There is nothing on record to show that, grand-parents are not in condition to take care of their grand-child. They are not bedridden. It also appears that overnight access of child during vacations will not be harmful to the interest of Priyansh. Priyansh needs love and affection of his mother and father as well.

10. Respondent No.1 further contended that, direction may be given to applicant to share past medical record and

vaccination details of Priyansh and to prepare joint parenting plan. It is to be noted that there is nothing on record regarding medical history of Priyansh. Applicant and respondent no.1 are residing separately for more than one year. For 3 and half year Priyansh was living with respondents. So I am of the view that there is no need to provide vaccinations details of Priyansh to respondent no.1. It is also not brought on record that applicant denied respondent no.1 to take decisions for his son. So it is just and proper to direct the parties to take joint decisions regarding education of child for his welfare and best interest.

11. Respondent no.1 also contended that, applicant may be directed not to remove the child out of India. Upon perusal of record, it appears that, applicant has no intention to move in abroad with her child. So, apprehension of respondent that she will remove the child out of India is unreasonable. Facts of the present case and reported judgments *Shantanu' vs Pooja and Aditi vs Abhishek's case (supra)* are different so, observations made in those cases are not applicable to the present case.

12. In view of above discussion and considering facts and circumstances of present case respondent no.1 is entitled to access of his child Priyansh as per observations made in aforesaid discussion. Accordingly, I pass the following order:-

ORDER

1. Application is partly allowed in the following terms

Respondent No.1 is permitted to visit child Priyansh twice in month on first and third Sunday in between 2.00 a.m. to 5.00 p.m. where child is residing at the place mutually decided by the parties.

2. Respondent No.1 is permitted to contact minor child Priyansh on video call twice in week preferably on Tuesday and Friday during 8.00 p.m. to 9.00 p.m.
- 3 Respondent No.1 is permitted to have 50 % overnight access of his child Priyansh during his vacations i.e. summer, Christmas and Diwali vacation.
- 4 Respondents shall not have any talks with the child about the pending proceeding.
5. Applicant and respondent no.1 shall take decisions jointly regarding education of child Priyansh for his welfare and best interest.

Rajgurunagar-Khed
Date 02/02/2026.

(S.B.Naiknavare-Garad)
Judicial Magistrate F.C.,
Rajgurunagar-Khed,