

MHRG090000392026

PWD.VA. No.01/2026.**ORDER BELOW EXH.11.**

The non-applicant no.1 has filed present application for permitting him to meet his daughter Siya. He also sought permission for telephonic conversation or voice & video call interaction at reasonable intervals. He submitted that the applicant no.1 is his legal wife and they have daughter namely Siya aged 2 years. Being natural guardian the non-applicant no.1 requires to meet his daughter and it is his right. He also submitted that he is morally and emotionally attached with his daughter. He is also concerned about welfare of his daughter. As the applicant with daughter on her own left her matrimonial home without reason, he is deprived of meeting and interacting with his daughter which causes serious emotional hardship to both child and father. He also submitted that he has never ill-treated and abused to her daughter. Hence, he prayed to allow him for meeting and making telephonic conversation with his daughter. Hence, the application.

2. The applicant no.1 opposed to present application by filing her say at Exh.13. She contended that she is ready to bring her daughter in Court on fixed day so that the non-applicant no.1 could meet her, however, due to Domestic Violence committed by the non-applicant no.1 to her, she is not ready to allow the non-applicant no.1 to meet her daughter in her parental home. She also contended that as her daughter Siya is only 2 years & 3 months old naturally she needs her mother and therefore her custody cannot be given to the non-applicant no.1.

3. Heard learned Advocates of both parties. Learned Advocate Smt. S. S. Sanap for the applicant argued that the applicant has no objection if the Court allowed the non-applicant no.1 to meet with his daughter in Court premises, however, in view of allegation of Domestic Violence made by the applicant no.1 against him he should not be allowed to go in her parental home. Hence, Smt. Sanap prayed passed necessary order. On the contrary, Ld. Advocate Smt. D. R. Sawant for the non-applicant no.1 argued that daughter requires love of both parents and non-applicant no.1 being her father cannot be deprived of his right to meet to his daughter.

4. Though the applicant no.1 made allegations against the non-applicant no.1 as to Domestic Violence committed by him, without adducing evidence on that point, contentions raised by the applicant no.1 cannot be accepted at this stage as genuine. It is not a case of the applicant no.1 that visit of father will be harmful for daughter Siya. Rather she fairly allowed the non-applicant no.1 to meet his daughter in Court premises. The non-applicant no.1 being father has indeed right to meet his daughter. Relationship of father-daughter should be maintained for best interest of daughter too. Further, so far as permission for telephonic conversation or voice and video calls is concerned, it cannot be supervised with presence of Court and Advocates, there is a possibility of clashes. Moreover, I don't find that in view of age of daughter Siya, she is able to make telephonic conversation with her father. Hence, I am inclined to allow partly the present application in following terms.

ORDER

1. Application is partly allowed.

2. The non-applicant no.1 is allowed to meet his daughter Siya on fixed dates in Court premises in presence or under supervision of both Advocates of parties.
3. The non-applicant no.1 shall not do any act or cause any disturbance which will affect on physical or mental health of his daughter Siya.
4. The applicant no.1 shall bring her daughter Siya on each dates of the Court.
5. Permission for telephonic conversation or voice and video calls is rejected.

Date : 28.07.2026.

Place : Roha

(S. V. Khaire)
Judicial Magistrate First Class,
Roha.