



Order passed below Exh. No.23
in Other Mis. Cri. App. No.8/ 2019
(Passed on 30th May, 2023)

The original application is under section 12 of the Protection of Women from Domestic Violence Act (in short PWDV Act) seeking various reliefs in terms section 18 to 23. The present application is filed by respondent no.1 seeking permission to meet his daughter and to offer toys and gift to her. The parties are hereinafter referred to in their original nomenclature as applicant and respondent.

02] Perused application and say. Heard both sides.

03] In short, it is submission of the respondent that the applicant did not allow to meet his daughter and she also does not allow him to offer toys to her. The respondent has love and affection towards his daughter but the applicant is depriving him of his right. As such , the respondent has prayed for grant of permission to meet his daughter.

04] The applicant has denied all allegations and contentions made in the application and submitted that respondent no.1 never treated his daughter with love. It is further submitted that the respondent never performed his responsibility of being father. It is not just and proper for well being of the daughter to come in to contact with respondent. All respondents were unhappy on the birth of the daughter. There is no nourishing and nurturing atmosphere to all the respondent to meet with his

daughter. If respondent no.1 is allowed to meet his daughter, it will endanger her life. Moreover, there is likelihood of rude nurture on her. All the things are detrimental to the nourishment of daughter. As such, the applicant has prayed for rejection of the application.

05] It is not disputed that the applicant is wife and he has daughter out of martial tie with the applicant. The applicant has alleged that respondent were unhappy on her birth and it will not be proper for welfare of child to allow the respondent to meet his daughter. However, there are no circumstances on record which will be justifiable to deprive respondent no.1 from meeting his daughter. If the respondent is allowed to meet his daughter, it will not cause any loss to the child or welfare of the child. However , permission required to be granted considering over all facts and circumstances. The respondent cannot be allowed to meet his daughter outside of court premises as the question of safety or unforeseen events which may occur. Thus, It would be just and proper to allow the respondent to meet the applicant on every second date of hearing in the court premises under observation. It is also just and proper to allow him to offer toys and gift to his daughter. While allowing application, it is required to take in consideration of the School hours of the daughter if any. If the daughter is a school going child, then she need to be brought before Court after her school hours so that it shall not affect on her educational development. Hence, following order is passed.

ORDER

1. The application is allowed as follows.
2. Respondent no.1 is allowed to meet the applicant on every second date of hearing from the date of this order in the Court premises under observation.
3. The applicant is directed to bring her daughter on every second date in the Court premises without disturbing her school hours if any.
4. No order as to Costs.
5. Copies of this order be provided to the parties free of Costs.

Malvan
Date - 30/05/2023

(A.D.Tidke)
Judicial Magistrate, First Class,
Malvan.