

MHSN090004502022



Cri.M.A.88/2022
Prajakta etc.1 Vs. Pradip etc.1

ORDER BELOW EXH.45

This is an application filed by non-applicants for visitation rights of applicant no.2 under section 21 of the Protection of Women from Domestic Violence Act, 2005.

2. Non-applicants contended that, non-applicant no.1 is father and non-applicant no.2 is grand father of the applicant no.2. On 30.07.2021, applicant no.1 took away applicant no.2 along with her to reside at her maternal house. Since 30.07.2021, non-applicants did not meet applicant no.2. Applicant no.1 is not allowing non-applicants to meet applicant no.2. Non-applicants want to meet and to spend time with applicant no.2. Therefore, non-applicants prayed for getting visitation rights with applicant no.2.

3. Applicant No.1 resisted the application by filing her say at Exh.48. Applicant no.1 contended that, if the permission is granted to visit then, it will be harmful to the interest of the child. Non-applicants not maintaining applicants. Hence, applicants are residing at Pune in the house of sister of applicant no.1. Applicant no.1 is of addictive nature. The application is false and liable to be rejected.

4. I have heard learned advocates for both sides at considerable length.

5. I have perused the record. It is admitted fact that, applicant no.1 and non-applicant no.1 are husband and wife. The marriage

between them is in existence. Applicant no. 2 is begotten from the lawful wedlock of applicant no.1 and non-applicant no.1. Love and affection of both parents is necessary for the child. Being a father and grand father, non-applicants have a right to visit applicant no.2. It is well settled law that while deciding the custody of children it is necessary to see paramount consideration and welfare of the child. Applicant no.2 is school going child. Applicant no.2 is in the custody of applicant no.1. Applicant no.1 is receiving maintenance from non-applicant no.1. Non-applicants are praying for visitation rights only. Non-applicants are not praying for custody of applicant no.2. Applicant No.1 stated that, if visitation rights are granted it will be harmful to the interest of the child. However, instead of her words no any circumstances shown by the applicant No.1 in her say. In such circumstances, it is necessary to make arrangement for visit of applicant no.2 to the non-applicants. Hence, to meet the ends of justice, I pass following order.

ORDER

- 1 The application is allowed.
2. The applicant no.1 is directed to make arrangement for visit of applicant no.2 in the court premises on the date of the Court proceeding as per their convenience between 11.00 a.m. to 5.00 p.m.
- 3 Parties are directed to appear before the Court every date and matter be proceeded expeditiously.

Place - Tasgaon
Date – 30.01.2025

(Smt. B. R.Avacahri Durgawade)
J.M.F.C, Tasgaon