

**ORDER BELOW EXH.9-A IN CIVIL MA NO.202/2024**  
**(Nilesh Shriram Kulkarni vs. Sou. Radhika Nilesh Kulkarni & Anr.)**  
**(CNR - MHSN170010732024)**

1. This is an application filed by the applicant for allowing him to visit respondent No.2 on the dates of hearing in the present matter. He also sought permission to take respondent No.2 to his home for four days once in a period of three months on the eve of festivals. He further sought permission to make whatsapp video calls twice in a week to respondent No.2. Perused application and say (Exh.19) filed by the respondents. I have also gone through written notes of arguments (Exh.23 and 25) filed by Ld. Counsel for the applicant and the respondents respectively. I have perused the record of the present matter. Heard Ld. Counsel Shri. A.S. Yadav for the applicant and Ld. Counsel Shri. S.K. Kelkar for the respondents.

2. It is contention of the applicant that he is biological father of respondent No.2 and he had made several endeavours to visit respondent No.2. Respondent No.1 had left home for her delivery and went to her parental house. Respondent No.2 born at Miraj on 23.01.2013. He had also given particulars of other litigation between the parties and elaborated his deprivation from having company of respondent No.2. Respondent No.2 is deprived of love and affection of the applicant. He further claimed that respondent No.1 is not in a position to take proper care of respondent No.2. He prayed to

allow the application.

3. On the contrary, respondent No.1 admitted relationship and elaborated the manner in which the applicant had subjected respondent No.1 to cruelty. She further contended that the applicant has not helped her financially since August 2012. She was being abused and beaten up. After elaborating all these details and then, she has contended that respondent No.2 is having school fees of Rs.13,000/- per year and she is taking education in a English Medium School. Similarly, school bus charges of Rs.10,000/- per year are also required to be paid. Now, school fees is going to increase up to Rs.25,000/- after affiliation of the school to CBSE Board. She explained particulars of expenses required to be incurred for upbringing of respondent No.2. Respondent No.1 engaged in conducting tuition of small children and she is also doing business of clothes. Thereby, she is earning Rs.20,000/- per month. With the help of all these contentions, total negligence and neglect on the part of the applicant to look after respondent No.2 is tried to be demonstrated. She prayed for rejection of the application.

4. Ld. Counsel Shri. A.S. Yadav for the applicant and Ld. Counsel Shri. S.K. Kelkar for the respondents elaborated contentions of their respective clients. Contents in written notes of arguments are also running on the same line.

5. It is evident from rival pleadings that the applicant and respondent No.1 are residing separately from the time when respondent No.2 was in the womb of respondent No.1.

They have never lived together after birth of respondent No.2. Respondent No.2 is continuously in custody of respondent No.1. Respondent No.2 is having age of 13-14 years at present. Record shows that respondent No.2 could not come in contact with the applicant after her birth. There may be several reasons of differences between the applicant and respondent No.1 making respondent No.2 to be away from company of the applicant. Now, the applicant is claiming rights to visit respondent No.2 in his capacity as a father. On the contrary, respondent No.1 apprehends that the applicant may not treat respondent No.2 properly. She has also blamed the applicant for her ill-treatment during period of cohabitation. Considering strained relations between the parties, this Court felt it necessary to have interaction with respondent No.2. Respondent No.2 had appeared before the Court and interaction with respondent No.2 was made in the chamber. Similarly, respondent No.1 and the applicant are also interacted by the Court in the chamber. Respondent No.2 has clearly exhibited her unwillingness to visit the applicant. Respondent No.2 made statement that she had never seen the applicant after her birth and she is not willing to visit the applicant or to stay in his company. As respondent No.2 has reached the age of adolescence, she needs company of her mother. Furthermore, the child having age of 13-14 years, who had never visited the applicant in the past, cannot be forced to be in company of the applicant. Differences between the applicant and respondent No.1 are likely to affect proper upbringing of respondent No.2.

Therefore, nothing can be imposed upon respondent No.2 and it may have traumatic effect upon overall psychology of respondent No.2. Considering age of respondent No.2 and past events, allowing application at this stage is likely to cause adverse impact upon further upbringing of respondent No.2. Paramount interest of the child is the most important criteria to be taken into consideration by the Court while deciding such type of applications. Considering all attending circumstances and in order to preserve interest of respondent No.2, present application deserves to be rejected. Hence, I pass the following order :-

**: ORDER :**

- 1) Application Exh.9-A is rejected.
- 2) Application Exh.9-A is disposed of accordingly.

Vita  
dt.15.11.2025

(R.R. Bhagwat)  
District Judge-1, Vita

## CERTIFICATE

I affirm that, the contents of this P.D.F file, are same word to word, as per the original order/judgment.

Name of Stenographer : H.G. Sutar (Steno Grade-I)  
Court : DJ-1 & Addl. Sessions Judge, Vita.  
Date of order : 15.11.2025  
Signed by Presiding officer on : 15.11.2025  
Uploaded on : 15.11.2025