

ORDER PASSED BELOW EXHIBIT 7
CIVILL MISCELLANEOUS (G. W.) APPLICATION NO. 236/ 2015

1. This is an application filed by the applicant Prashant Bhalchandra Bhoite for permission to meet the child or to take the child to the home for one day within a week and to stay with him in the holidays.

2. I have gone through the application. The applicant has stated that son Sharvil is residing along with his mother and mother is not allowing him to meet the child. The respondent No. 1 Sarika Prashant Bhoite is avoiding to stay with the applicant on her own accord and she has left the house from time to time without giving intimation to him. He has not assaulted and abused her at any time. She herself has left the house. He being the father, he wants to look after the son, but respondent No. 1 is not allowing him to meet the son and to look after him. Therefore, he has filed this application for permission to meet the son.

3. On the other hand, respondent No. 1 has filed say vide Exhibit 19 to the main application and to interim application Exhibit 7. In the said say, she has stated that the applicant has filed false and baseless application and he used to assault her and her son, so, the welfare of the child is not safe in his hand. Her father-in-law is not behaving properly with her. The applicant has not spent any amount for his education. The allegations made in the application are totally false and baseless. He has never looked after her and the son Sharvil at any time. She has not left the house of her husband at any time on her own accord, but due to assault and abuses she has gone to her parental house. All the allegations from Exhibit 7 are totally false and baseless. Hence those are specifically denied.

4. At present her son Sharvil is studying in the school at

Koregaon and she is properly looking after him, hence prayed that the application be rejected.

5. I have heard the advocates from both the sides. I have gone through the application and say.

6. It appears to me that this is a matrimonial dispute going on between both the parties and at present the son Sharvil is residing with his mother. The father being the natural guardian, he has right to see the child at least once in a week. So, he has prayed that the application be allowed and the applicant be permitted to meet his child once in a week and on holidays.

7. Learned advocate for the respondent has vehemently urged and submitted that the application is liable to be rejected and there is danger from the applicant to her son. The allegations are very wild in nature and it cannot be believed that the father will look after the child properly. Giving a custody of the child to the father is very risky, so he has prayed that the application for permission to meet the child be rejected.

8. After hearing both the advocates and taking into consideration the peculiar facts and circumstances of the case in hand admittedly Sharvil is the son of Prashant and respondent Sarika. He is approximately 10 to 11 years of age. He does not have an understanding and maturity to know about the good and bad. He is not having that much maturity to think about his future. He is studying in a school, so obviously, he is having more affection towards her mother.

9. I have enquired with the child Sharvil. He had refused to go with his father, but taking into consideration his age and responsibility of the father and mother, I feel that permission will

have to be granted to the father to see his son once in a week i. e. on Wednesday or Friday in the court premises. Both the advocates and both the parties have agreed for meeting the child by the father. So keeping in mind all the facts and circumstances, I proceed to pass following order. :-

O R D E R

Application - Exhibit 7 stands allowed.

Applicant Prashant Bhalchandra Bhoite is permitted to meet his son Sharvil once in a week i. e. on each Wednesday or Friday, which day is suitable in the Court.

He is at liberty to give the gifts, clothes etc. to his son.

9th September, 2016

(N. K. Chavan)
District Judge - 3,
SATARA