

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 4694 of 2023****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2023****In R/FIRST APPEAL NO. 4694 of 2023**

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RAJENDRAKUMAR MOHANSINH PARMAR**Versus****KRISHNABEN RAJENDRAKUMAR PARMAR**

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Appearance:**MR. HARDIK K CHOKSI(9964) for the Appellant(s) No. 1****for the Defendant(s) No. 1****MR PARTH B THUMMAR(13122) for the Defendant(s) No. 1**

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CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**and****HONOURABLE MS. JUSTICE NISHA M. THAKORE****Date : 11/03/2024****ORAL ORDER****(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)**

Mr Hardik K. Choksi, learned advocate for the appellant – applicant submitted that the learned Principal Judge, Family Court, Godhra, to ascertain the wish and willingness of the minor children, have interacted with them by calling in the chamber. The learned Judge, has clearly recorded that the children, have refused to recognize their mother even after the photographs of the mother was shown and to an extent, it was told to the learned Judge by the younger son that he does not know, who that lady is. It is submitted that the children have refused to go with the mother, and the mother, at the time of seeking maintenance, has not prayed for custody of the children.

2. On the other hand, Mr Parth B. Thummar, learned advocate for the respondent states that the observations made by the learned

Judge in paragraph 33, are sufficient enough to allow the mother to meet her children. Even after passing of the order, the appellant has not allowed the children to meet their mother. Such a course adopted, would be impermissible and more particularly, when there is no stay of the judgment dated 28.07.2023.

3. Submissions are made by the learned advocate on behalf of the appellant that the children, do not wish to go with the mother. On the other hand, Mr Parth Thummar, learned advocate has made submissions that mother is willing to meet her children.

4. In view of the above, this Court, is of the opinion that it would like to ascertain the wish of the children and therefore, let the appellant remain present with both the minor children on 18.03.2024, so also the respondent.

(SANGEETA K. VISHEN,J)

(NISHA M. THAKORE,J)

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