

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1889 OF 2023

Shilpa Prashant Patil

...Petitioner

Vs.

Prashant Pundalik Pail & Anr.

...Respondents

Adv. Pooja Jalan a/w Raturaj Pawar and Dheeraj D. Patil for the Petitioner.

Adv. C. K. Pendse a/w P. D. Jadhav and Madhusmita Sahoo for Respondent No.1.

CORAM : ARIF S. DOCTOR, J.

DATE : 19TH DECEMBER, 2024

P.C.:-

1. The Petitioner (mother) seeks vacation access to Ms. Shanaya, who is the minor daughter of the Petitioner and Respondent No.1 (husband). This Court had by an order dated 8th May, 2024 granted Petitioner (mother) vacation access by ordering as follows:-

“(i) The Applicant-mother is granted vacation access of the child-Shanaya.

“(ii) As the child has already been brought to the Court by the Respondent-father, there is no need of sending the child back to Belgaum and then bring her back from Belgaum. The mother as well as the father and the younger child is before the Court and the mother can take the child alongwith her from the Court. The Respondent-father to send the belongings of the child to the matrimonial house later-on.

(iii) The mother shall handover the custody of the child to the father at Belgaum on 29th May, 2024.

(iii) Interim Application stands allowed in the above terms.

(iv) It is clarified that the father will be entitled to video access of the child and there will be no restrictions on the said video access. The parties are also requested that in event, the child wants to return back to the father, the mother would take that into consideration."

2. I must note that Learned Counsel for Respondent No.1 did not per se oppose the grant of vacation access, but only requested that the best interest of Ms. Shanaya to be taken into consideration since in view of the fact that the Respondent No.1(father) had planned holidays at Goa with Ms. Shanaya and her elder sister (the children) as also the fact that the children cousins were visiting from overseas during the vacation. It was his submission that any access therefore granted ought not to impinge on Ms. Shanaya's Christmas vacation in Goa which was planned from 21st December, 2024 upto 26th December, 2024 and her cousins visit thereafter.

3. Today, when the matter was heard in Chamber, Learned Counsel for Respondent No.1 submitted that the Respondent No.1(father) had now cut short the holiday to Goa and would be returning on 23rd December, 2024. In view of this and having considered the submissions made, I deem it appropriate to pass the following order:-

- i. The Respondent No.1(father) shall on 24th December, 2024 drop Ms. Shanaya to the care and custody of the Petitioner (mother) in Mumbai preferably as early as in the day as possible.
 - ii. On 30th December, 2024, the Petitioner (mother) shall drop Ms. Shanaya back to the care and custody of Respondent No.1 (father) in Belgaum.
 - iii. It is clarified that Respondent No.1(father) shall be permitted to have video access of Ms. Shanaya and that the Petitioner (mother) shall not restrict the said video access. Equally, it is expected of Respondent No.1(father) to ensure that such video access does not hinder or in any manner take away the object of the vacation access which is for Ms. Shanaya to spend as much time with her mother as possible.
4. Stand over to 21st January, 2025.

(ARIF S. DOCTOR, J.)