

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9559 OF 2024

Rahul Naresh Mody

...Petitioner

Versus

Krishna Rahul Mody

...Respondent

➤ Ms. Vishranti Jain i/b. Ms. Vaishnavi Pasalkar and Ms. Bhakti Deshpande, for the Petitioner.

CORAM : MANJUSHA DESHPANDE, J.

DATE : 19th DECEMBER 2025

P.C.:

1. On 15.07.2024, the Respondent appeared in person and sought time to engage an Advocate. Thereafter, she has not taken any steps to engage an Advocate. She is aware of the pendency of the present Writ Petition. All the attempts made by the Petitioner to serve the Respondent have failed due to her refusal to accept notice. This Court is, therefore, constrained to pass appropriate orders. Due to failure of the Respondent to cause appearance, no effective orders could be passed by this Court.

2. On the last occasion, when the matter was listed, this Court observed that, in view of the refusal to accept the notice by the Respondent, the matter would be heard and appropriate orders would be passed on the next date. The attempt to serve the Respondent made by the Petitioner has returned with a remark that, “the packet was returned unclaimed”. In earlier attempts, the Respondent has refused to accept the notice.

3. This matter arises out of the order dated 24.07.2023, below Exhibit 7, passed by the Principal Judge, Family Court, Thane, wherein the application for custody of the child made by the father has been dismissed. The Judge, Family Court, observed that, since the main Petition itself is for custody, allowing the interim application would amount to allowing the main Petition without any proof on record.

4. At this stage, in my opinion, the Petitioner deserves to be granted some relief considering that he is also the natural guardian of the child and equally entitled to spend time with him. The child also needs love and affection of the father and also needs to establish a bond with him.

5. It is submitted that, since the last four years, the visitation rights have been denied to the Petitioner. In my opinion, it would be appropriate to grant visitation rights to the father to meet the child on his birthday. It is informed that his birthday falls on 29.12.2025. Therefore, the father is permitted to meet the child in the afternoon between 02:00 p.m. and 05:00 p.m. on his birthday.

6. When the suggestion is given that the Petitioner can be granted access through VC, it is informed that the Respondent has blocked the Petitioner.

7. In view thereof, it would be appropriate to grant supervised access in the presence of the Respondent, to the Petitioner-Father on every alternate weekend between 02:00 p.m. and 05:00 p.m. at the residence of the Respondent. This arrangement shall continue to operate till the next date.

8. List the matter for further consideration on **13.02.2026**.

(MANJUSHA DESHPANDE, J.)