

jdk

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 76 OF 2014
FROM
PETITION NO. A-849 OF 2011**

Kunwar Singh Bedi

.. Applicant

Vs.

Sonia Kunwar Singh Bedi

.. Respondent

Mr. R.T. Lalwani Advocate i/b Mr. Prakash L. Mahadik Advocate
for Applicant
Ms. Edita Dey Advocate for Respondent

**CORAM : SMT.V.K.TAHILRAMANI AND
SHRI.A.S.GADKARI, JJ.**

DATED : JUNE 11, 2014

P.C.:

- 1 Heard the learned advocate for the applicant-father and the learned advocate for the respondent-mother.
- 2 This application has been preferred by the applicant-father for access to his daughters Mihika and Mira during their school vacations and on alternate week ends.
- 3 The learned counsel for the respondent-mother states that the children do not wish to meet the father and wish of the

children should be supreme.

4 This is the fundamental fallacy upon the principles of law. It is when custody of the child is considered that Courts would certainly take into account the wishes of the child. The access given to any of the parents to the child is only in the interest, welfare and betterment of the child. The child is in no position to make a judgment so far as the access is concerned. All children need both parents' love and understanding. The children must be given a chance to enjoy the company of the father which will augur well for their development in future.

5 It is seen that in the recent past, the children have been staying over-night with the applicant-father and it is not the contention of the respondent that the children have been physically ill-treated in any manner by the applicant-father. In this view of the matter, by way of interim arrangement, we are inclined to pass the following directions in relation to the present summer vacations which are from 20.6.2014 onwards for a period of two months.

ORDER

(i) This interim arrangement of access is made during the period from 23.6.2014 to 6.7.2014.

- (ii) The applicant-father to pick up the children at 10.00 a.m. from the door of the residence of the respondent-mother at Bangalore which is given in the cause title and drop them back at the residence of the respondent-mother at 6.00 p.m.
- (iii) The respondent-mother will ensure that the children are ready and waiting at the door of her residence at 10.00 a.m. in the morning during the aforesaid period.
- (iv) It is made clear that there will be no overnight access to the children.
- (v) All the concerned to act on the duly authenticated copy of this order.
- (vi) Stand over to 27.8.2014.

[SHRI.A.S.GADKARI, J.]

[SMT. V.K.TAHILRAMANI, J.]