

MHTH070050462023



**ORDER BELOW EXH. 11**  
(passed on 19<sup>th</sup> day of June, 2024)

The petitioner filed this application for visiting his daughter namely Tvisha. The petitioner submitted that he preferred petition for dissolution of marriage. Since last one and half year he had not visited his daughter. Therefore, he prayed for access to his daughter and seeking permission to visit. Also on 21<sup>st</sup> of June Petitioner as well as Tvisha having birthday. To celebrate birthday temporary custody of Tvisha be granted and he undertake to drop her at the residence of respondent.

2. Respondent filed her say at Exh. 12. She has no objection for visitation twice in a month. She objected to hand over her daughter for celebration of birthday on 21.6.24.

3. Perused the application and say. The basic motive of awarding visiting rights to the non custodial parents as to protect the child from conflicting between two parents. The child is entitled for spend substantial time with the non custodial parents. Efforts should be made by the parents or giving the court for the matter to enable them to mutually

decide the visiting schedule and the rights given to the non custodial parents. Visitation must be viewed as something done as benefit of child. The visiting rights can also be granted to grand parents. Main consideration for awarding visitation rights must be that it is awarded for welfare of the child and non custodial parents is very close to the child.

4. On perusal of application and say, it appears that at presently Tvisha having age of 3 years. Since long the petitioner has not met with his daughter Tvisha. Therefore no purpose would be served to hand over custody of Tvisha alone for few hours. It is proper to make necessary arrangement by petitioner for celebration of birthday of petitioner as well as daughter and invite respondent for celebration of birthday, then purpose will be served. Considering the age of Tvisha, it is proper to visit the petitioner at the nearby place of respondent or as decided by the respondent. Visitation of petitioner is essential. Therefore, the application is liable to be partly allowed and accordingly, I pass following order.

### **ORDER**

- 1) The application is partly allowed.
- 2) The petitioner is allowed to visit his daughter namely Tvisha on second and fourth Sunday of each month during 5 pm to 6 pm or as scheduled by the respondent at R-

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M.Pet.No.1971/2023  
Order on Exh. 11

Mall, Mulund.

Date: 19.06.2024

(A.S. Lanjewar)  
Civil Judge Sr. Dn.,  
Kalyan.