

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 41 OF 2006

MAHESH VINAYAK PAI, MUMBAI

....Appellant

Versus

RUPA MAHESH PAI, PORVORIM, BARDEZ,
GOA.

....Respondent

Mr. M. S. Joshi, Advocate for the Appellant.

Mr. J.P. Mulgaonkar, Advocate for the Respondent.

Coram:- A. P. LAVANDE, J.

Date:- 31st May, 2006

P.C.:

Heard Mr. Joshi for the Appellant and Mr. Mulgaonkar for the Respondent.

2. By this appeal the appellant who is the defendant in Matrimonial Petition No.59/2001/A challenges the Order dated 17th May, 2006 passed by the Civil Judge S.D., Mapusa. The impugned Order has been passed pursuant to the remand Order passed by this Court dated 4th May, 2006. By Order dated 4th May, 2006 this Court set aside the Order dated 22nd February, 2006 passed by the trial Court by which the appellant was allowed to take his minor daughter to Bombay. However, the trial Court was directed to pass an order regarding visitation rights of the appellant herein. By the impugned order, the trial Court has allowed the appellant to visit his minor daughter at the residence of the respondent herein. The request made by the appellant to permit him to have visitation rights in a hotel has been disallowed by the trial Court. The appellant is aggrieved by the said Order.

3. The matter was taken up yesterday and the learned counsel appearing

for the appellant was asked to find out if the visitation rights could be held at the residence of any relative either of the appellant or of the respondent as may be agreed between the parties. However, today Mr. Joshi, learned counsel appearing for the appellant, submits that the appellant is not agreeable to have the visitation rights at the residence of any relative, either of the appellant or respondent.

4. Mr. Joshi, learned counsel appearing for the appellant submits that the trial Court has not given any reason as to why the hotel cannot be the place for visitation rights and without giving any cogent reason the trial Court has passed the impugned order.

5. I am unable to agree with Mr. Joshi. Having regard to the facts and circumstances of the case, the trial Court was justified in not acceding to the request of the appellant to have the visitation rights at any hotel suggested by the appellant. Therefore, I do not find any illegality in the impugned order passed by the trial Court. Consequently, I do not find any merit in this appeal.

Hence the appeal is rejected.

A. P. LAVANDE, J.

sl.