

## IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CRI-4/2020

Vandana Kumari Gananayak ... Petitioner

**Versus**

State of Goa &amp; Ors. ... Respondents

Mr. J. Ramaiya, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General along with Ms. M. Correia, Addl. Government Advocate for the State.

Mr. A. Palekar, Advocate for Respondent No.3.

Coram:- M.S. SONAK &  
SMT. M. S. JAWALKAR, JJ.

Date:- 20<sup>th</sup> August, 2020

**P. C.:**

Mr. Ramaiya, the learned counsel for the petitioner, in the presence of the petitioner, presses for reliefs in terms of the praecipe dated 18.08.2020 filed before this Court.

2. The praecipe dated 18.08.2020 reads as follows:

**PRECEPIE**

*“ The Petitioner had preferred present petition seeking appropriate directions/writs in the nature of Habeas Corpus as against the Respondent No.3 and mandamus in as against the Respondent Nos. 1 and 2 to act on the complaints filed by the Petitioner.*

*Owing to the directions passed by this Hon'ble Court time to time, the Petitioner is been given access to her child through video conferencing/whats app calls.*

*However, during pendency of the present petition there were certain change of circumstances particularly, the spread of covid in the State of Goa, which has led the Petitioner to decide relocate to her maternal home at Durgapur, West Bengal.*

*In the above circumstances, the petitioner seeks indulgence of this Hon'ble Court in permitting the Petitioner to agitate her rights onto custody of her child in alternate forums.*

*The Petitioner further seeks indulgence of this Hon'ble Court in passing appropriate directions as against the Respondent No.3 in nature of restraining him from in any manner impeding the access/visitation of the Petitioner to the minor child and/or to pass such other directions as deemed fit, which shall be in addition to the earlier arrangement of video calling once a day at least till a competent court decides the issue of custody. In view of above, the matter may be taken up on 20/08/2020 at 10.30 am.”*

3. The praecipe has been signed by both the petitioner as well as Mr. Ramaiya her learned counsel appointed under the Legal Aid Scheme.

4. Mr. Amit Palekar, the learned counsel for respondent no.3 states that there can be absolutely no difficulty on the issue of withdrawal of this petition and grant of liberty to seek reliefs before the alternate forum. He also states that there is no difficulty whatsoever in continuing earlier arrangements of video calls at least once a day until

the competent court decides the issue of custody or makes any other interim orders. Mr. Palekar, also, on the basis of instructions and quite graciously states that there will be no difficulty, pending decision of custody matter, to grant the petitioner visitation rights to the daughter. He states that in fact even arrangements are made by respondent no.3 in relation to such visitation rights.

5. Accordingly, we permit the petitioner to withdraw this petition with liberty to raise all the issues raised in this petition before the alternate forum. We make it clear that all rights and contentions of all parties are expressly kept open.

6. We also record that until any competent court makes orders on the issue of custody or makes such other and further orders on the issue of interim reliefs, the present position in relation to video calling will continue. Similarly, we record the statement of Mr. Palekar that respondent no.3 will facilitate visitation rights to the petitioner in the interim.

7. The petition is disposed of in the aforesaid terms in the virtual presence of the petitioner and her counsel. We appreciate the efforts put in by Mr. Ramaiya as well as the reasonable approach of Mr. Palekar the learned counsel for respondent no.3 in this matter.

8. All concerned to act on the basis of an authenticated copy of this Order.

***SMT. M. S. JAWALKAR, J.***

***M. S. SONAK, J.***

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