

Hoshie Shavaksha Dolikuka

Vs

Thrity Hoshie Dolikuka

Review Petitions Nos. 156 and 157 of 1983 in Civil Appeals Nos. 1796 and 3032 of 1981

(A. N. Sen, R. S. Pathak JJ)

24.11.1983

ORDER

1. We have heard the petitioner in person and Shri V. S. Desai for the respondent on this review application. The petitioner has vehemently contended that it is no longer in the interests of the child, Gospi, to continue her in the boarding institution, Kimmins High School, Panchgani, and he has attempted to show by reference to documentary material that it would make for the happiness and welfare of the child if she were put to school in Bombay. It appears to us on careful consideration that while the respondent has uniformly attempted to encourage the child to settle down in the Kimmins High School and to improve her standard of scholastic and extra-curricular activities, the petitioner, on the contrary, has made no effort in that regard. In fact, we get the impression that during his visits to the child in school and in the period she spends her holidays with him a sense of dissatisfaction with the school is created in the child's mind, with the result that the child suffers from an antipathy towards the institution and is unable to concentrate on her studies. We enquired from the petitioner whether besides visiting the child she ever wrote to her even as the respondent did. We find that she does not correspond at all with the child during her term in school. In our judgment on August 4, 1982 (Hoshiam Shavaksha Dolikuka v. Thrity Hoshie Dolikuka, (1982) 2 SCC 577 : 1982 SCC (Cri) 505 : AIR 1982 SC 1457) we had expressed the hope that both parents, the petitioner and the respondent, would contribute to the child settling down in her new environment. It seems to us that the petitioner is not acting in conformity with the confidence expressed by us. By encouraging an attitude of hostility in the child's mind towards the school, he is preventing her from adjusting to life there and settling down to her studies. It is regrettable that the petitioner does not realise the serious injury he is thus doing to the child. Kimmins High School, Panchgani is a highly reputed girl's school, and the child has now been in the school for about three years, and young and intelligent as she is, she should have settled down long ago. There is no evidence that other children studying in the school are reacting adversely to staying and studying there. If Gospi has been unable to settle down and has not shown happy results in her class work, clearly the fault lies not with the school but with some external source. That source is not difficult to identify. It is apparent that the child remains disturbed because of the tensions created in her mind by the petitioner. We trust that the petitioner will realise the futility of pursuing his present attitude in regard to the child's continuance in this school, and will cooperate in helping the child to settle down.

2. We are not satisfied that the judgment and order pronounced by us should be reviewed, and accordingly we dismiss this review application.

</html