

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4274 OF 2015
IN
MISC.CIVIL APPLICATION NO.152 OF 2014

ARUN S/O BALASAHEB YENGURE

APPLICANT

VERSUS

SMITA ARUN YENGURE

RESPONDENT

Mr.Hemant Surve h/f Mr.K.H.Surve, Advocate for the applicant.
Mr.A.R.Rathod, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 08/05/2015

PER COURT :

1. I have heard the learned Advocates Mr.Surve for the applicant/
husband and Mr.Rathod, for the respondent/wife. The couple have a
daughter namely Ms.Sanskriti, who is 5 years old.

2. Misc.Civil Appl..No.152/2014, is instituted by the wife, seeking
transfer of petition No.D-11/2012, A-59/2012 and C-15/2012,
pending before the Family Court at Aurangabad, to the Family Court
at Nanded u/s 24 of the CPC. By an ad-interim order dated
08/12/2014, the proceedings pending before the Family Court at
Aurangabad, have been stayed in terms of prayer clause "C".

3. By this application, the applicant/husband prays for the company of the child Ms.Sanskriti, who is in the custody of her mother.

4. After hearing the learned Advocates, a joint statement is made after taking instructions from the husband and the wife, present in the court hall as under :-

- (a) The mother of the child Ms.Smita shall complete all admission formalities so as to secure admission of Ms.Sanskriti in an English Medium School of high repute in the Nanded Town on or before 23/05/2015.
- (b) The husband, who is father of Miss.Sanskriti, shall deposit an amount of Rs.20,000/- (Rs.Twenty Thousand only) before the Family Court at Aurangabad on or before 13/05/2015.
- (C) The Family Court, Aurangabad shall permit the wife, who is mother of Miss.Sanskuti to withdraw the said amount so as to facilitate the admission of the child, as recorded above.
- (d) She shall produce the receipts towards expenses incurred by her for admitting the child in the said school.
- (e) Copies of the receipt shall be supplied to the applicant/husband, who shall verify the same.
- (f) Both the applicant and the respondent i.e. husband and wife shall have to bear equal expenses incurred for admitting the child in the school.
- (g) Any shortfall shall be done away with by the applicant in paying the remainder amount so as to equal 50% of the expenditure.

- (h) Needless to state, if the initial deposit of Rs.20,000/- is more than 50% of the expenses incurred for the admission, the respondent/wife shall return the excess amount by depositing it in the Family Court.
- (i) The respondent/wife consents to handover the custody of the child Miss.Sanskruiti to the applicant on 23/05/2015 at her residence at Nanded in between 9.00 a.m. to 12.00 noon.
- (j) The applicant/husband shall himself take the custody of the child in this period.
- (k) The applicant shall return the custody of the child to the respondent/wife on 07/06/2015 between 2.00 p.m. to 4.00 p.m. at the residence of the respondent/wife in Nanded.
- (l) The respondent/wife shall have the right to speak to the child Miss.Sanskruiti by telephonic call made on the cellular phone held by the applicant/husband in between 8.00 a.m. to 9.00 a.m. and 8.00 p.m. to 9.00 p.m. on each day.
- (m) The applicant/ husband shall ensure that the child is kept in good health and in a hale and hearty condition.
- (n) In the event, the applicant/husband decides to take the child Miss.Sanskruiti to any place for spending the vacation or site seeing, details of the said travel programme and places of visit shall be conveyed to the respondent/wife on her cell phone orally as well as by Short Message Service (SMS).

5. The above order bearing these conditions, has been passed by consent.

6. Notwithstanding the above, both the learned Advocates, on

instructions, have suggested the name of Mrs.Manjusha Deshpande, learned Advocate as a mediator. The Mediation Center shall therefore refer this matter to the learned Mediator. Both the parties shall appear before the Mediator on 10/06/2015 and shall further abide by the dates as may be posted by the learned Mediator. After the mediation proceedings are concluded, the learned Mediator shall submit her report to this Court.

7. With these directions, the civil application is partly allowed. The parties are at liberty to place a copy of this order before the Family Court, Aurangabad for necessary compliance.

(RAVINDRA V. GHUGE, J.)