

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 119 OF 2015
IN
FAMILY COURT APPEAL NO. 147 Of 2014

Pradeep T. Datwani .Applicant

v/s.

Mansi P. Datwani. ..Respondent

Mrs. T.F.Irani for the Applicant.

Mr.R.T.Lalwani i/b. Prakash Mahadik, for the Respondent.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : APRIL 23, 2015.**

P.C.

1. Heard. By this application, the applicant is seeking following reliefs:

“(a) This Honourable Court be pleased to order and direct the Respondent to provide the applicant with birthday access to Avantika on 24th April, 2015 for a period of four hours on her birthday, commencing from 12 pm and ending at 4 pm or in the

alternative from 4.00 p.m. to 8.00 p.m.

(b) This Hon'ble Court be pleased to order and direct the respondent to provide the applicant with 50% of the summer access during the first half of the summer vacation i.e. from 25th April, 2015 at 9.00 a.m. to such other date as this Hon'ble Court may deem just and proper such that the Applicant is able to enjoy more than only ten out of the forty-six days of summer holidays;

(c) This Hon'ble Court be pleased to order and direct that Avantika be dropped by the Respondent to the Petitioner's residence or any other place as deemed fit by this Hon'ble Court from where she can be picked up by the Applicant for her birthday and vacation access at the relevant time.

(d) This Hon'ble Court be pleased to permit the applicant to receive all communication pertaining to the school/academics of the minor child directly from the school.

(e) This Hon'ble Court be pleased to order and direct the respondent not to place any impediments in the way of the applicant regularly speaking with Avantika either telephonically

or via other means of communication such as Skype;”

2. Learned Counsel for the petitioner, out of the aforesaid reliefs does not press reliefs prayed under clause (c), (d) and (e) at this stage.

3. So far as the relief claimed in prayer clause (a) is concerned, under the order impugned in the first appeal, the applicant is given access either on 23rd or 25th from 10.00 a.m. to 5.00 p.m. The parties agree that the applicant shall not take access on 25.4.2015 and instead have access of the minor child Avantika on 24.4.2015 from 7.0p.m. To 10.00 p.m. The respondent shall hand over the child to the applicant at 7.00 p.m. on 24.4.2015 and the applicant shall hand over the child to the respondent at 10.00 p.m. on the same day.

4. As regards relief claimed in prayer clause (b) is concerned, under the impugned order in the first appeal, the applicant is entitled access of child Avantika for 10 days in summer vacation. The parties agree that the period of 10 days shall commence from 23rd May, 2015 to 2nd June, 2015 (both days inclusive.) The respondent shall hand

over the child to the applicant at 10.00 a.m. on 23rd May, 2015 and the applicant shall hand over Avantika to the respondent by 6.00 p.m. on 2.6.2015.

5. Mr. Lalwani, learned Counsel for the respondent states that the applicant is in arrears of maintenance of the minor child Avantika and the outstanding arrears as of today are Rs.4,74,750/- .

6. Learned Counsel Mrs. Irani, having taken instructions from her client who is present in the court states that this amount would be deposited in this court within period of two months from today. This amount would be towards payment of outstanding arrears. Learned Counsel Shri Lalwani submitted that if the applicant deposits the said amount, the respondent will not make any further claim towards outstanding amount of arrears. Statements accepted.

7. Registry is directed to invest this amount in the name of the child Avantika in fixed deposit, initially for a period of six years with further renewal till the child Avantika attains majority.

8. The applicant undertakes to pay an amount of Rs.30,000/- per month towards maintenance of the daughter Avantika, effective from the month of May 2015.

9. The maintenance granted to the minor child Avantika at the rate of Rs.25,000/- per month in the divorce proceeding would be subject to the outcome of Writ Petition No.516 of 2015. It is made clear that the amount that would be deposited by the applicant towards outstanding arrears as of today would be irrespective of the decision of the learned Single Judge in Writ Petition No.516 of 2015.

10. In view of the above, nothing survives in the application and the same is disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)