

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

**CIVIL APPLICATION NO. 138 OF 2015  
IN  
FAMILY COURT APPEAL NO.269 OF 2014**

|                            |                                |
|----------------------------|--------------------------------|
| Sadguru Umakant Kamat      | .. Applicant/<br>Org.Appellant |
| v/s.                       |                                |
| Mrs. Suchita Sadguru Kamat | ..Respondent                   |

Ms. Firdaus Moosa i/b Prakash Mahadik for the applicant.  
Mr. Sachin J. Kadam for the respondent.

**CORAM: RANJIT MORE &  
SMT. ANUJA PRABHUDESSAI, JJ.**

**DATED: 6<sup>th</sup> MAY, 2015.**

**PC.**

1. This Civil Application is preferred by the applicant husband for grant of access to the minor child Harsh during the summer vacation. Learned Counsel for the applicant submits that during the pendency of the petition before the Family Court, Mumbai, access was granted to the applicant. She submits that during the pendency of this appeal, access for winter vacation was granted by this Court by order dated 9<sup>th</sup> December, 2014 in Civil Application

No.437 of 2014. Learned Counsel for the respondent-wife states that he has no objection for grant of access of the minor child Harsh to the applicant. She however, states that after conclusion of the proceeding in the Family Court, the applicant has not bothered to take care of the respondent and the minor child Harsh.

2. The applicant filed Petition No.A-925 of 2006 before the Family Court at Bandra, Mumbai for divorce. The said petition was dismissed by Judgment and Decree dated 20<sup>th</sup> April, 2013. The applicant has challenged the said decree by filing Family Court Appeal No.269 of 2014, which is admitted by passing a separate order.

3. Admittedly, the applicant was paying an amount of Rs.8,000/- per month to the respondent and minor child Harsh, during the pendency of the said petition. However, after dismissal of the writ petition, he has not paid any maintenance. There is also no dispute that the applicant was granted access to the minor

child Harsh during the pendency of the appeal before the Family Court and also by this Court.

4. In the above circumstances, the learned Counsel for the applicant having taken instructions from her client, who is present in the Court, makes a statement that the applicant is ready and willing to pay to the respondent and minor child Harsh, an amount of Rs.8,000/- per month towards maintenance and entire educational expenses of the minor child and that the applicant will pay the same directly to the School Authority w.e.f. 20<sup>th</sup> April, 2013 i.e. the date of impugned judgment and decree. Statement is accepted. She submitted that today a cheque for an amount of Rs.50,000/- would be given to the respondent wife and another amount of Rs.50,000/- would be given on or before 25<sup>th</sup> May, 2015 and balance amount would be paid to the respondent-wife within a period of six weeks from today. Learned Counsel for the applicant accordingly handed over a cheque of Rs.50,000/- to the learned Counsel for the respondent-wife.

5. Learned Counsel for the respondent having taken instructions from his client, states that since the applicant has shown willingness to pay the maintenance at the rate at which he was paying during the pendency of the Petition before the Family Court and in the interest of child, she has no objection to give access of minor child Harsh to the applicant for the period of 3 weeks, commencing from 7<sup>th</sup> May, 2015 to 30<sup>th</sup> May, 2015 (both days inclusive).

6. Learned Counsel for the applicant submits that the threading ceremony of minor child Harsh needs to be performed, as he is already 12 years of age. She submits that the threading ceremony will be performed on 24<sup>th</sup> May, 2015. She seeks directions to respondent-wife to remain present in the threading ceremony. Learned Counsel for the respondent having taken instructions from the respondent wife states that the respondent wife is not willing to join the threading ceremony of minor child Harsh. In view of the stand taken by the respondent-wife,

applicant is permitted to perform the thread ceremony of minor child Harsh on 24<sup>th</sup> May, 2015 in the absence of respondent wife. The statements made by respective parties are accepted.

7. The Civil Application is accordingly disposed of in the above terms.

**(ANUJA PRABHUDESSAI, J.)**

**( RANJIT MORE, J.)**