

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5724 OF 2015

Karina Gopal Gurbani		
@ Binita Nittin Minawala	..	Petitioner
vs.		
Gopal Sitaldas Gurbani	..	Respondent

Mr. R. T. Lalvani with S. I. Jaykulwani and Mr. Prakash Mahadik for
Petitioner.

Mr. A. M. Vernekar for Respondent.

CORAM : M. S. SONAK, J.
DATE: 23 SEPTEMBER 2015

P.C. :-

1] Heard learned counsel for the parties. After hearing the
matter for some time, this petition is disposed of with the following
agreed order:

(A) The petitioner is granted leave to amend the Petition
No. C-127/2010. Such amendment to be carried out within a
period of two weeks from today;

(B) Upon service of copy of the amended petition, the
respondent is at liberty to file additional written statement
within a period of two weeks thereafter;

(C) The Petition No. C-127/2010 and Petition No. A-
91/2011 shall be taken up together and disposed of as
expeditiously as possible and in any case within a period of

one year from the date of production of authenticated copy of this order;

(D) The Family Court at Bandra, to decide the aforesaid two petitions in accordance with law and on their own merits, without in any manner being influenced by any observations made in order dated 7 March 2015 in Interim Application No. 322 of 2011 in Petition No. C-127/2010.

(E) Further, in case the Family Court at Bandra comes to the conclusion that maintenance is required to be granted to the petitioner and the petitioner's daughter, then the order dated 7 March 2015 shall not come in the way of the Family Court deciding the precise date from which such maintenance should be granted;

(F) The respondent, in addition to bearing expenses towards electricity, society charges and EMI in respect of Flat at Arcade Bhoomi Height, shall pay each month an amount of Rs.10,000/- (Rupees Ten Thousand) by way of interim maintenance to minor daughter, with effect from 1 January 2015. The arrears to be cleared within a period of four weeks from today;

(G) Further, the respondent to deposit in a fixed deposit account in his name as well as in the name of his minor daughter a total amount of Rs.4,00,000/- (Rupees Four

Lakhs). The first FDR shall be in an amount of Rs.2,00,000/- (Rupees Two Lakhs) within a period of three months from today and the next FDR in an amount of Rs.2,00,000/- (Rupees Two Lakhs) shall be within a further period of three months. Copy of said FDRs to be deposited before the Family Court and the operation of this FDR shall abide by final orders that may be made by the Family Court in the two petitions;

(H) In addition to the aforesaid, the respondent to continue to bear the school fees in respect of his minor daughter;

(I) The respondent is granted access to his minor daughter on 1st and 3rd Saturday from 2 to 4 p.m. in the Children's Complex at Family Court, Bandra;

(J) After a period of six weeks, the respondent shall be at liberty to apply for further access or variation in the access terms before the Family Court. Similarly, if there are any issues, the petitioner will also be at liberty to apply to the Family Court on the issue of access. Such applications shall be considered by the Family Court, in accordance with law and on their own merits;

(K) It is made clear that this order is made on the basis of agreement of the parties. However, such an agreement is without prejudice to their respective rights and contentions

and accordingly all the rights and contentions of all the parties are kept open;

(L) The petition is disposed of in the aforesaid terms.

(M) All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)

Chandka

CERTIFICATE

“Certified to be true and correct copy of the original signed Order.”