

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8048 OF 2013

Manish G. Inamdar .. Petitioner

vs.

Mrs. Ashwini Ashok Ghodake-Inamdar .. Respondent

Mr. S.A. Sawant for the Petitioner.

Mr. H.P. Vyas for the Respondent.

CORAM : M. S. SONAK, J.

DATE : 21 JANUARY 2016.

P.C. :-

1] Rule. With the consent of and at the request of learned counsel for the parties, Rule is made returnable forthwith.

2] The challenge in this petition is to the order dated 31 July 2013 made by the Family Court, Pune by which, the Petitioner has been directed to furnish to the Respondent the following documents:-

(i) Passport of Mr. Manish Gajanan Inamdar, i.e., Respondent and Respondents travelling , Journey details like his departure and arrival, specific timing and date for his journey to abroad, for last three years.

(ii) Mast. Atharva's Educational and Extra circular activities, Certificates and Report Cards in school, for the last three years.

(iii) Details of the Parents Teacher Meeting in Atharva's school, and details regarding How many times Respondent attended the Parents Teacher Meeting, for last three years.

2] Mr. Sawant, learned counsel for the Petitioner, has submitted that the dispute between the parties was settled in its entirety as the proceedings between the parties were disposed of by consent decree. After a period of three years, the Respondent has applied for variation in the terms of consent decree. He submits that this constitute abuse of the process of the Court and application of this nature is not even maintainable.

3] In any case and without prejudice, Mr. Sawant submits that the documents, which he has been directed to furnish by means of impugned order are not at all relevant and in any case, the Respondent cannot be permitted to embargo upon a fishing expedition.

4] This Court, by order dated 30 January 2015, has already directed the Family Court to decide all interim applications, including the issue of maintainability of the application seeking modification of the decree. The said direction is reiterated. In view of the same, this Court expresses no opinion either of the issue of maintainability or the merits.

5] Insofar as the documents are concerned, Mr. Sawant is right that the Petitioner cannot be forced, at this point of time, to impart details like his departure, arrival, specific timing and date for his journeys abroad for the last three years. Mr. Vyas, learned counsel for the Respondent, submits that it is the case of the Respondent that the Petitioner is on most occasions abroad and this is relevant circumstance for deciding whether during such period the Respondent should be granted custody.

6] Now that the directions have been issued to dispose of all the applications, both on question of maintainability as well as merits, interest of justice will suffice, if the Petitioner is directed to furnish to the Respondent a xerox copy of his passport, which will give a broad indication about his travel during the past three years. Therefore, the Petitioner is directed accordingly and the impugned order is modified to the said extent.

7] Insofar as, Atharva's certificates and report cards in the School are concerned, Mr. Sawant states that whatever certificates and report cards are available with him, will be furnished to the Respondent. Accordingly, if such certificates and report cards for the

last three years, as may have been issued by the school are furnished by the Petitioner, then the same will amount to compliance with the order made by the Family Court on 31 July 2013.

8] Similarly, the Petitioner states that whatever details he has with regard to Parent Teacher meetings in Atharva's school will also be furnished by the Petitioner to the Respondent. This will again constitute sufficient compliance.

9] The impugned order is therefore, modified to the aforesaid extent. The Family Court is directed to dispose of all the applications, including the issues relating to maintainability and merits, as expeditiously as possible and in any case within a period of three months from today.

10] Rule is made absolute to the aforesaid extent. There shall however, be no order as to costs.

11] All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)