

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**APPEAL (L) NO.271 OF 2016**

|                              |                         |
|------------------------------|-------------------------|
| <b>Mr. Sam Shapoor Irani</b> | <b>..... Appellant</b>  |
| <b>V/s</b>                   |                         |
| <b>Mrs. Naomi Sam Irani</b>  | <b>..... Respondent</b> |

**WITH**  
**NOTICE OF MOTION (L) NO.2192 OF 2016**  
**IN**  
**APPEAL NO.271 OF 2015**

|                              |                         |
|------------------------------|-------------------------|
| <b>Mr. Sam Shapoor Irani</b> | <b>..... Applicant</b>  |
| <b>IN THE MATTER BETWEEN</b> |                         |
| <b>Mr. Sam Shapoor Irani</b> | <b>..... Appellant</b>  |
| <b>V/s</b>                   |                         |
| <b>Mrs. Naomi Sam Irani</b>  | <b>..... Respondent</b> |

Ms. Sanober Nonavati for the Applicant/Appellant.  
Ms. Hetal Master i/b M/s. Ashwin Ankhad & Associates for the Respondent.

**CORAM : A.S. OKA &**  
**A.A. SAYED, JJ.**

**DATED : 28 JULY 2016**

**ORDER:**

- 1 Not on Board. Taken on Board.
- 2 The original Plaintiff has taken an exception to order dated 21 July 2016 passed by the learned Single Judge. The paragraphs 4 and 5 of the said order read thus:

*“4. The second application is in relation to the Defendant’s proposed or imminent vacation with the children to the USA. Ms. Nanavati shows me certain portions of the Plaint in which serious of allegations were made against the Defendant. The Defendant will, of course, need to address these. In fairness, Ms. Nanavati does not suggest that the children’s vacations should be cancelled or even cut short. She only seeks a confirmation and a statement from the Defendant that the children will be returned to the jurisdiction of this Court and will come back to India to resume their schooling at Panchgani after their vacation. Mr. Ankhad on instructions unhesitatingly makes that statement. He also points out that the Defendant is herself a full-time employee in school at Panchgani. There is no question that she will have to return to India with the children at the end of the vacation. He confirms that the dates of travel are from 1st August 2016 to 6th September 2016. These statements are noted and accepted as an undertakings to the Court.*

*5. Mr. Ankhad also states that the travel particulars, including details of the ticket, the return ticket and the itinerary as also particulars of about the accommodation and visit in America will be given to the Court in a sealed cover by next Friday on 29th July 2016.”*

3      Going by what is recorded in paragraph 4, it is crystal clear that the Appellant has consented to the arrangement recorded in paragraphs 4 and 5 of the impugned order. Therefore, this Appeal is not maintainable

and is dismissed as such. Pending Notice of Motion (L) No.2192 of 2016 does not survive and the same is disposed of.

**(A.A. SAYED, J.)**

**(A.S. OKA, J.)**

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