

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 966 OF 2016

SHRI. RAYA KARAPURKAR., ... Petitioner
Versus
MISS. VINITA UTTAM GAWDE., ... Respondent

Adv. Preetam Talaulikar for the Petitioner
Adv. Maria Caroline Collasso with Adv. D. Tulkar for the
Respondent.

Coram:- M. S. SONAK, J.

Date:- 2nd May, 2017

P.C.:

At the outset, this Court wishes to record its appreciation and gratitude to Mr. J. A. Lobo for successful and expeditious mediation in the present matter. The Minutes of the mediation dated 20/4/2017 are placed on record.

2. Further, this Court also wishes to record its appreciation for the reasonable approach on the part of Mr. P. Talaulikar and Ms. C. Collasso, keeping in mind, the interest of their respective parties and more particularly, the interest of the minor girl child.

3. The learned counsel for the parties agree that this petition can be disposed off by the following order:

(a) Both the parties have agreed to withdraw/compound the

various proceedings pending between themselves in civil as well as criminal courts within a period of four to six weeks from today.

(b) The parties clarify that this decision to apply for withdrawal/compounding is irrevocable but only since procedural compliances may be necessary, they seek time of four to six weeks to complete the same.

(c) The parties agree that the custody of the minor girl child Vedhali Karapurkar shall be with the mother Vinita Uttam Gaude. If there is change in the circumstances, the parties shall have the liberty to approach the appropriate court of law for seeking appropriate orders as the circumstances require. Such liberty is specifically granted to both the parties. Any such application, which is made will be disposed off by the appropriate Court in accordance with law and on its own merits.

(d) The petitioner Raya will have visitation rights to Vedhali on every alternate Saturdays and every alternate Sundays for about one and half hour to two hours. For this purpose, Raya will have to pick up Vinita and Vedhali from Mapusa and take them to either Mall de Goa or some other suitable location as may be decided by the parties mutually by consent and agreement. The visitation timing as far as possible shall be between 4p.m to

6p.m. Raya shall thereafter drop Vinita and Vedhali back to Mapusa near Chacha Nehru Chidlren's park. Raya has agreed to bear the entire expenses towards visitation. There shall be no recording or photography or electronic devices at the time of visitation by either of the parties.

(e) The aforesaid arrangements may be varied so as to increase the duration and dates of visitation as per the mutual agreement between the parties if necessary after a period of six months. Parties agree that there will be no decrease of the duration or the dates of the visitation.

(f) Raya shall pay maintenance at the rate of Rs.5000/- per month as determined by the order dated 22/2/2012 to Vedhali. The amount of maintenance shall be deposited by Raya in the bank account of Vinita i.e in State Bank of India, Mapusa Branch no.33204019289. Such deposit shall be on or before the 5th day of each month. This is consistent with the order dated 22/2/2012 made by this Court in CRMA no.82/2015.

(g) Vedhali and Vinita shall be entitled to apply for revision of the maintenance made in accordance with law in case of change of circumstances. Such application should be heard and disposed off in accordance with law and on its own merits.

(h) This petition is accordingly disposed of in the aforesaid terms.

4. It is made clear that the parties shall be at liberty to adjust the visitation timings, dates, etc. depending upon the convenience of each of the parties by mutual consent, agreement and consultation. The aforesaid terms represent the minimum that is agreed by and between the parties and therefore the parties will adhere to the same and in no circumstances the parties will raise any pleas for oral variation between themselves. It is expected that both the parties will act as responsible parents to Vedhali so that the trauma which she is undergoing is minimized to some extent. So far as the parties have acted reasonably and their reasonableness is therefore appreciated.

5. The petition is disposed off in the aforesaid terms.

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

M. S. SONAK, J.

ap/-