

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

**CIVIL APPLICATION NO.100 OF 2017
IN
CIVIL APPLICATION NO.87 OF 2017
IN
MISCELLANEOUS CIVIL APPLICATION NO.83 OF 2017**

Rohan Abhay Sabnis ... Applicant

In the matter between :

Dr. Saeed Rohan Sabnis ... Original Applicant

Versus

Rohan Abhay Sabnis ... Original Respondent

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Ms. Seema Sarnaik for the Applicant.

Mr. S.G. Karandikar for the Respondent.

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CORAM : S.C.GUPTE, J.

DATE : 18 APRIL 2017

P.C. :

. Heard learned Counsel for the parties.

2 In spite of the order passed by this Court on 3 February 2017, which *inter alia* required transfer of the pending proceedings, namely, P.A. No.93 of 2015 and P.D. No.30 of 2014, from the Family Court at Pune to the Family Court at Bandra, Mumbai, with directions to the latter Court to dispose of the Applicant's application for interim custody/access in P.D.30 of 2014, within four weeks, and failing which, to pass a suitable ad-interim order for access during the pendency of the interim application,

surprisingly, the papers and proceedings have not yet been forwarded by the Family Court at Pune to the Family Court at Bandra, Mumbai. As a result, the Family Court at Bandra, Mumbai has not been able to even take up the application for interim custody/access. The Registrar of the Family Court at Pune, is directed to forthwith transmit the papers and proceedings of P.A. No.93 of 2015 and P.D. No.30 of 2014 to the Family Court at Bandra, Mumbai, and intimate the Registry of this Court about having complied with this order latest by 28 April 2017.

3 Since the hearing of the application for interim custody/access could not be accomplished due to the circumstances noted above, it has been agreed between learned Counsel for both sides, after taking instructions from their respective clients, that further arrangement for ad-interim access to the Applicant-father shall be as follows :-

(i) On Wednesday and Thursday of this week, i.e. on 19 and 20 April 2017, access to their son Arijeet will be provided by the Respondent mother to the Applicant father, between 10.00 a.m. to 01.30 p.m. and 05.00 p.m. to 08.00 p.m. on each of these two days. During this access, the Respondent shall not accompany the child. The child will be picked up and dropped at her residence by the Applicant on both days as per the timings indicated in this order;

(ii) After the child comes back from the ensuing vacation, i.e. w.e.f. 8 May 2017, the arrangement for ad-interim access provided under paragraph-9 of the order dated 3 February 2017 (as corrected by order dated 15 February 2017), shall continue to apply for a period of 8 weeks. 8 May 2017 shall be treated as Monday of the first week for applying the order. The days of the weeks provided for in paragraph-9 shall be reckoned

accordingly. The word “outside”, appearing in the third last sentence of clause (iv) of paragraph-9, shall be substituted by the words “at the Applicant-father's residence”.

4 In case the Family Court at Bandra, Mumbai, is not able to dispose of the application for interim custody/access in P.D. No.30 of 2014 within a period of 8 weeks from 8 May 2017, a suitable ad-interim order shall be passed for custody/access during the pendency of the interim application.

5 The order dated 3 February 2017 (as corrected by order dated 15 February 2017), shall be modified to this extent only.

6 The parties shall appear before the Family Court at Bandra, Mumbai on 8 May 2017 at 11.0 a.m., so that the schedule of hearings, including hearing for the application for interim custody/access can be fixed by the Court.

7 All parties, including the Registrars of the Family Courts at Pune and at Bandra, Mumbai, to act on the authenticated copy of this order.

(S.C. GUPTE, J.)