

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

CIVIL APPLICATION NO. 1310 OF 2017

IN

FIRST APPEAL NO. 1118 OF 2014

Fairoza Q. Popere

...Appellant

Vs.

Usha Dhananjiyan

...Respondent/Applicant

Ms.Flavia Agnes for Applicant in CAF 1310/2017 – Orig.Respondent.

Mr.Asif Naqvi I/b. Ms.Asha Mittal for Respondent in CAF 1310/2010 /
Orig.Appellant.

CORAM : S.C. GUPTE, J.

4 MAY 2017

P.C. :

After the matter is heard at some length, it is agreed between the parties that the access of the child Zeenat can be given to the Applicant in Civil Application No.1310/2017 when the child is taken to Kerala for the criminal case, which is scheduled to come up on 9 May 2017. After the hearing of the case on that day, the custody of the child shall be handed over to the Applicant for 50% vacation access, as allowed by this court in an earlier order. This 50% access shall be availed of in Kerala by the Applicant. The Applicant, however, will have to furnish complete address of her at Kerala along with some proof of that address to the Respondent. The custody of the child shall be returned to the Respondent on 27 May 2017 at the Respondent's residence in Mangaon, District Raigad. Learned Counsel for the Applicant, on her own, makes a statement that during this access at Kerala, the maternal uncle of the child will not be present. It is also clarified that the original restriction contained in the order passed by this court on 16 November 2015 that the vacation access to the child will

be only in Dombivali or Mumbai shall not apply anymore.

2 It is agreed between the parties that every time access is to be had to the child, the Applicant shall communicate to the Respondent and the Respondent shall respond to such communication by letting the Applicant know the date that she can come to collect the child.

3 Considering the fact that the main matter is of some vintage and the court is inundated with applications and cross applications of the parties during the pendency of the first appeal, it is in the interest of justice that the first appeal itself is taken up for final hearing expeditiously. The first appeal is accordingly posted for hearing on 27 June 2017 at 3.00 p.m.

4 The civil application is disposed of.

(S.C. GUPTE, J.)