

**CRIMINAL APPLICATION NO.277 OF 2017
IN
CRIMINAL WRIT PETITION NO.1131 OF 2016**

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Mr. Prashant Jadhav, APP for the Respondent No.2-State.

DATED: 13th NOVEMBER, 2017.

The Petitioners as well as Respondents are present in person alongwith their respective counsels. The learned counsel for the Petitioners and the Respondents have submitted that the parties have arrived at settlement pending disposal of the main petition. They have placed on record the consent terms, which read as under:-

“ 2. The Petitioners and the Respondents in the present proceedings, without prejudice to the merits of the present proceedings, have amicably decided to arrive at a mutual interim arrangement between themselves and have agreed upon the following:

A. That the Respondent No.1 herein (Deepali Chittaranjan Nivargi) shall allow access of child Vijaya to the Petitioner No.1 herein (Chittaranjan Gopalrao

Nivargi) on every 1st, 3rd and 5th (if any) Saturday directly from SNBP International School, Rahatani after the School hours. The Petitioner undertakes to drop the child Vijaya on the Monday thereafter at 08.00 am directly to the said school.

B. That the Respondent No.1 herein (Deepali Chittaranjan Nivargi) shall allow access of child Vijaya to the Petitioner No.1 herein (Chittaranjan Gopalrao Nivargi) on every 2nd and 4th Fridays directly from SNBP International School, Rahatani after the School hours. The Petitioner undertakes to drop the child Vijaya on the Monday thereafter at 08.00 am directly to the said school.

B-1) In the unlikely event that the Petitioner No.1 has professional commitments on a particular Friday/Saturday as the case may be and would not be in a position to pick up the child personally on time, the Petitioner No.1 shall intimate the Respondent in reasonable time prior by email and/or SMS as to whether the mother or the father of the Petitioner No.1 would be picking up the child from school and the Petitioner shall intimate the school accordingly with a copy to Respondent.

C. Both the parties agree that if the relevant Friday, Saturday or Monday as applicable as mentioned above is a school holiday, then the Petitioner shall undertake to take /drop the child Vijaya from the society gate of the Respondent on such days at the address mentioned below; as per the timings mentioned above.

Address:

Deepali C. Nivargi
F-701, Laxmi Angan Society,
Near Radhika Sales,
Pimple Saudagar, Pune.

D. That the Petitioner undertakes to move to the following address which is about 3-4 Kms away from the said SNBP School so as to avoid any inconvenience to the child to travel on Mondays:

Address:

Chittaranjan G. Nivargi

Flat No.A-2, 302, Ganga Ocean Meadows,
Thergaon, Pune 33.

E. The Petitioner also, for the well being of the child Vijaya, undertakes to extend all his co-operation to transfer the child admission from Orbis School to the said SNBP, International School and sign necessary documents as the earliest so as to terminate the admission from the said Orbis School.

F. The Petitioner undertakes to pay the necessary school fees and other associated expenses of the child.

G. The parties undertake that whatever correspondence they make to SNBP, School a copy of which shall also be addressed to each other.

H. Both the parties undertake that in the eventuality if any of the parties desire to deviate from any of the terms mentioned here, he/she will duly apply to this Hon'ble Court for the necessary permission.

3. The parties to the present proceedings agree to comply with their obligations under these Consent Terms.”

2. The consent terms are signed by the Petitioner and the Respondent No.1, who are the main contesting parties and by their respective counsels. The terms are agreeable to both the parties. Hence, the same on taken on record and marked 'x' for identification.

3. The application stands disposed of in view of the above consent terms.

(ANUJA PRABHUDESSAI, J.)