

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 5535 OF 2017

Rishita Jatin Karani

...Petitioner

Versus

Mr. Jatin Kantilal Karani

...Respondent

Mr.P. K. Dhakephalkar, Senior Counsel with Ms.Heena Chheda, Mr.Rushabh Vora and Mr.Ashish Venugopal i/b. M/s.Hariani & Co., for the Petitioner.

Mrs.Nolofar Bhagwat with Ms.Leena Sawant with Ms.Helen Miranda i/b. Ms.Seema Sarnaik, for the Respondent.

CORAM : G.S.Kulkarni, J.

DATE : 8th September, 2017

P.C. :

1. This petition was heard at length and in fact I had commenced with the oral judgment and almost eighty five percent of which was completed in the first session. However, in the second session, when I resumed to complete the judgment, the parties suggested a consensus and to have a workable solution in regard to the issues involved in this petition, which arise out of an order dated 25 July 2016 passed by the learned Judge, Family Court, at Mumbai. The consensus is that the two minor children namely son Ishaan aged 7 ½ years and Son Vihaan 3 years 8 months old, who are presently in

the custody of the petitioner-mother and who are now admitted in a school at Vadodara by the petitioner – wife, would continue to pursue their education at Vadodara for the present academic year 2017-18 and in case there is any change of circumstance or if the respondent intends to file any further application for such further reliefs in the interest of the children after the completion of the academic year 2017-18, the respondent would be at liberty to move such an application before the Family Court. This consensus between the parties is quite reasonable in the peculiar circumstances as on date.

2. If the respondent presents such application as noted above for such further appropriate reliefs, the learned Judge of the Family Court shall endeavour to decide the same on its own merits. The contentions of the parties including the contentions which are urged in the present proceedings are expressly kept open.

3. It is clarified that this is a consensual arrangement and in view of the peculiar situation, the parties have arrived at this arrangement inasmuch as the children are already pursuing education at Vadodara. It is further clarified that the Court has not examined the merits of the rival claims and all contentions of the parties in that regard are expressly kept open.

4. By an ad-interim order dated 22 June 2017, there was already a stay which granted to the impugned order, which is continued till date. In the circumstances, the same shall continue to operate till a fresh application, if any, is filed on behalf of the respondent and till the adjudication of the said application which would be obviously for the next academic year.

5. As regards the principal proceedings, considering the facts and circumstances of the case, the learned Judge of the Family Court at Bombay shall endeavour to decide the Custody Petition as early as possible and in any event on or before 28 February 2018.

6. Learned Counsel for the parties inform that an application for interim access has already been filed on behalf of the respondent and the same is required to be heard and decided expeditiously. Learned Judge, Family Court, shall endeavour to dispose of the said application within a period of one month from today.

7. The petition is disposed of in the above terms.

[G.S.Kulkarni, J.]