

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11552 OF 2017

Rishita J. Karani .. Petitioner
vs.
Jatin K. Karani .. Respondent

Mr. Prateek Seksaria a/w. Amogh Singh, Ms Heena Chheda & Ashish Venugopal for the Petitioner.
Mr. Mayur Khandeparkar a/w. Amrut Joshi a/w. Nilesh Gala i/b Law Square for the Respondent.

CORAM : M. S. SONAK, J.
DATE : 05 DECEMBER 2017

P.C. :-

After the matter was argued for some time, learned counsel for the parties on basis of instructions from the parties submit that this petition can be disposed of with the following agreed order.

1] The petitioner shall grant access to the respondent to be with the children during Christmas Vacation from 29th December 2017 to 4th January 2018 (7 days). The access shall be in the following manner:

(a) The access shall be granted at Mumbai from 10.00 a.m. to 7.00 p.m. from 29th December 2017 to 1st January 2018. The respondent shall pick-up the children

from the lobby of St. Regis, Lower Parel at 10.00 a.m. on each day and then drop the children at the same place at 7.00 p.m.;

(b) The access from 2nd January 2018 to 4th January 2018 shall be at Vadodara. On 2nd January 2018, the respondent shall pick up the children at 12.00 noon from the security gate of the building where the petitioner resides and drop the children at same place at 7.00 p.m.. On 3rd January 2018, the respondent shall pick up the children at 10.00 a.m. and drop them at the same place at 7.00 p.m.. On 4th January 2018, the respondent shall pick up the children at 10.00 a.m. and drop the children at the same place at 9.00 p.m.

2] The respondent shall on or before 20th December 2017 pay an amount of Rs.40,000/- to the petitioner towards reimbursement for accommodation and food at St. Regis Hotel for the period between 29th December 2017 to 1st January 2018. The petitioner shall make arrangements for her stay at the Hotel St. Regis.

3] The parties agree that during this period, they shall consent for an adjournment of the domestic violence proceeding being CRMA No.2154 of 2016 pending before JMFC, Vadodara to some suitable date beyond 4th January 2018.

4] The respondent shall also reimburse the travelling expenses of the petitioner and the children from Vadodara to Mumbai and from Mumbai to Vadodara on actuals.

5] The respondent volunteers to make suitable investment byway of fixed deposits or Unit Linked Insurance Product in the name of two children for an amount not less than Rs.50,000/- for each of the children within four weeks from today within four weeks from today.

6] The petitioner shall respond to the Shared Parenting Plan filed by the respondent before the Family Court on 25th July 2016 within a period of ten days from today, if, such response has not already been filed.

7] The Family Court shall decide and dispose of the Custody Petition No. D-42 of 216 latest by 28th February 2018 in terms of the order dated 8th September 2017 made by this Court in Writ Petition No. 5535 of 2017. The parties are directed to cooperate with the Family Court to ensure that this direction is complied with. The parties should not take any unnecessary adjournments.

8] The parties very specifically agrees that they shall not claim any equities on basis of the present consent order.

9] Except for the aspect of access during Christmas Vacation, rest of the part of the impugned order is not interfered with, since Mr. Seksaria, learned counsel for the petitioner, very graciously and on the basis of instructions does not press for the same. Mr. Seksaria, however, clarifies that this should not be construed as any concession insofar as the forthcoming summer vacation is concerned. This is noted.

10] The parties agree that this order shall not be treated as precedent for any further action of this nature.

11] This petition is disposed of in the aforesaid terms. However, reserving liberty to the parties to apply in case, there are any difficulties not only in the implementation of this order, but for any other reason.

(M. S. SONAK, J.)