

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 166 OF 2016

Mrs. Kanchan Pragneshkumar Savla ... Applicant

Versus

Mr. Pragneshkumar Damji Savla ... Respondent

Ms. Chaitra Pawar a/w. Ms. Jigna Dedhia for the Applicant.
Mrs. Kanchan Pragneshkumar Savla – Applicant, present in person.
Mr. Pragneshkumar Damji Savla – Respondent, present in person.

CORAM : S.J. KATHAWALLA, J.
DATED : 15TH SEPTEMBER, 2017

P.C.:

1. Heard the learned Advocate appearing for the Applicant and the Respondent in person and the following order is passed by consent :

i. Parties shall file a Divorce Petition by mutual consent before the Family Court, Bandra, Mumbai on or before 7th October, 2017.

ii. Parties shall appear before the Family Court, Bandra, Mumbai on 10th October, 2017 at 11.00 a.m. when the Principal Judge, Family Court, Bandra, Mumbai shall forthwith grant / pass a Decree of divorce in the Petition filed by the parties seeking divorce by mutual consent

iii. Permanent custody of the minor son 'Tirtha' shall be with the Applicant. However, the Respondent shall be entitled to have access to the child as set out hereinafter.

- iv. The Applicant is not pressing for any alimony. However, she seeks maintenance for their son 'Tirtha'. The Respondent therefore undertakes to pay to the Applicant by way of Demand Draft an amount of Rs. 10 Lacs for 'Tirtha' on or before 7th October, 2017, which amount shall not be utilized by the Applicant but shall be invested by her in the joint names of the Applicant and minor son in fixed deposit of a nationalized bank for a period of three years and the same shall be renewed from time to time until the minor son attains the age of 24, after which the said amount shall be handed over to the son. However, the Applicant shall be entitled to use the interest accrued thereon from time to time for the day to day expenses of 'Tirtha'
- v. In the event of the Applicant wanting to invest the said amount of Rs. 10 Lacs in any other bank and / or financial institution / or fixed deposit of the Company for better returns the same shall be done with the written consent of the Respondent or after obtaining permission of this Court after giving prior notice to the Respondent.
- vi. In addition to the deposit / investment of Rs. 10 Lacs in the name of 'Tirtha', all medical and educational expenses including fees charges, expenses qua the extra curriculum activities of the child shall throughout be borne by the Respondent.
- vii. The Respondent shall have access to 'Tirtha' as follows :
- a. Until 'Tirtha' completes the age of six years, the Respondent shall have access to 'Tirtha' on every Saturday between 03.00 p.m. to 06.00 p.m. at any public place in the area/vicinity, where the Applicant resides.
- b. After 'Tirtha' completes six years, the Respondent shall be entitled to take

'Tirtha' every alternate week to his residence at Thane for a day spend and on such date/s he shall fetch the child from the Applicant's residence at 10.00 a.m. in the morning and return the child at 06.30 p.m. in the evening. In addition to this, he shall be entitled to have access to 'Tirthaa' for three hours on the birthdays of the child as well as the Respondent.

c. After 'Tirtha' completes eight years, the Respondent shall be entitled to overnight access i.e. every alternate week, he shall be entitled to take the child from the residence of the Applicant at 10.00 a.m. and return the child on the next day at 11.00 a.m.

d. After 'Tirtha' completes eight years, the Respondent shall be entitled to share 50% of school vacations, which exceeds eight days.

e. Parties shall be at liberty to mutually adjust the aforestated timings.

viii. The progress of the child in school / college shall always be intimated to the Respondent (father of the child) by the Applicant mother including his progress reports.

ix. In the event of any parent taking 'Tirtha' out of town / country during school holidays/vacations, they shall give prior intimation of the same to the other parent and provide the itinerary along with the contact numbers.

x. In the event of the child having any health / medical problem from which the child would take more than four days to recover the Respondent shall be informed in writing about the same to the Applicant.

- xi. The Applicant (mother of the child) shall be entitled to apply for the passport of the child and the Respondent shall cooperate if any documents are required to be executed.
- 2. In view of this order, the above Misc. Civil Application is disposed off.
- 3. Liberty to apply.

(S.J.KATHAWALLA, J.)