

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

**MISC. CIVIL APPLICATION NO.103 OF 2016**

Dr. Saeer Rohan Sabnis ... Applicant  
V/s.  
Mr. Rohan Abhay Sabnis ... Respondent

**WITH  
MISC. CIVIL APPLICATION (ST.) NO.29203 OF 2015**

Dr. Saeer Rohan Sabnis ... Applicant  
V/s.  
Mr. Rohan Abhay Sabnis ... Respondent

**WITH  
CIVIL APPLICATION (ST.) NO.32626 OF 2016  
IN  
MISC. CIVIL APPLICATION (ST.) NO.29203 OF 2015**

Mr. Rohan Abhay Sabnis ... Applicant  
V/s.  
Dr. Saeer Rohan Sabnis ... Respondent

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Mr. S. G. Karandikar for the Applicant in MCA/103/2016 & the Respondent in CA/ST/32626/2016.  
Ms. Seema Sarnaik for the Respondent and the Applicant in CA/ST/32626/2016.

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**CORAM : S. C. GUPTE, J.**

**DATE : 3 FEBRUARY, 2017.**

**P.C. :**

. Heard the learned Counsel for the parties.

2. These Miscellaneous Civil Applications are filed for transfer of pending matrimonial and custody proceedings from the Family Court at Pune to the Family Court at Bandra. Miscellaneous Civil Application No.103 of 2016 seeks transfer of P.A. No. 93 of 2015 filed by the Applicant herein for restitution of conjugal rights before the Family Court at Pune, whereas Miscellaneous Civil Application (Stamp) No.29203 of 2015 seeks transfer of P.D. No. 30 of 2014 filed by the Respondent under the Guardians and Ward Act, 1980 for the custody of the minor son of the parties before the Family Court at Pune. The Respondent is agreeable to have these proceedings transferred to the Family Court at Bandra provided an ad-hoc arrangement is made for access to the Respondent to the child and suitable directions are issued to the Family Court at Bandra for expeditious disposal of both the petitions. Learned Counsel for the Applicant, on instructions, states that her client is agreeable to provide the access sought by the Respondent but that this offer should be treated only as an ad-hoc offer pending the disposal of the interim custody / access application made by the Respondent. The terms of this ad-hoc access are broadly agreed between the parties, though the Applicant has reservations about her not being allowed to accompany the child during the access in Pune. She insists on being present throughout the access. I am, however, of the view that this seems to be a rather unacceptable restriction at least for the time being, when an ad-hoc arrangement is being proposed with broad consensus between the parties. Access to his own child can certainly be given on a day in a week to the Respondent without the child being accompanied by the mother. Learned Counsel for both the parties submit that the present arrangement should be treated as an ad-hoc arrangement and should not in any way be treated as precedent for the Family Court at Bandra to decide the transferred petitions. It is submitted by both

Counsel that the petitions should be decided by the Family Court at Bandra on their own merits and in accordance with law. That seems to be reasonable.

3. Accordingly, it is directed by consent of the parties that P.A. No.93 of 2015 and P.D. No.30 of 2014 pending before the Family Court at Pune shall stand transferred to the Family Court at Bandra.

4. Both the parties shall appear before the Family Court at Bandra with an authenticated copy of this order on 15 February 2017 at 11.00 a.m.

5. The Family Court at Bandra shall endeavor to conclude both P.A. No.93 of 2015 and P.D. No.30 of 2014 within a period of one year from today.

6. In case the Family Court at Bandra is not able to dispose of the Respondent's application for interim custody / access in P.D. No.30 of 2014 within a period of four weeks, a suitable ad-interim order shall be passed by it for access during the pendency of the interim application.

7. As and when any interim / final application is decided by the Family Court at Bandra, the Court shall independently apply its own mind to the question of custody / access and all other issues arising therefrom, without being in any way influenced by this order.

8. All the contentions of the parties are expressly kept open.

9. There will be an arrangement for ad-interim access to the Respondent to the child for a period of four weeks in the following manner :

i) On Monday of the first week, i.e. 06 February 2017, access to their son Arijeet will be provided by the Applicant to the Respondent between 5.00 pm to 8.00 pm at Mumbai. The Applicant shall, however, accompany the child during this access.

ii) On Thursday of the first week, i.e. 9 February 2017, access will be provided between 5.00 p.m. to 8.30 pm but that during this access the child will not be accompanied by the Applicant. The Respondent shall, however, inform the Applicant before taking the child from her residence about the place at which the Respondent proposes to have access.

iii) On Friday of the first week, i.e. 10 February 2017, access will be provided between 5.00 p.m. to 8.00 pm. The Applicant shall accompany the child during this access.

iv) In the second week, commencing from 13 February 2017, the Respondent shall have access to the child at Pune on Saturday between 10.00 am to 2.00 pm and 4.00 pm to 7.30 pm. To enable the Respondent to avail of this access, the Applicant shall bring the child to her parents' residence at Pune and from there the Respondent may collect the

child and have access to the child outside. The child, however, may be accompanied during this access by the Respondent's father. The Applicant shall not accompany the child during such access.

v) In the third week and fourth week, commencing from 20 and 27 February 2017, the access will be given in accordance with the provisions made for the first week commencing from 6 February 2017.

10. Both Misc.Civil Applications are disposed of accordingly. In view of the disposal of both the misc.civil applications, pending civil application does not survive and the same is, accordingly, disposed of.

**(S. C. GUPTE, J.)**