

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

WRIT PETITION STAMP NO.35344 OF 2016

Mrs. Janvi Vikas Talwar : Petitioner.
versus
Mr. Vikas Talwar : Respondent.

Mr. Ashok Yadav i/by Ms. Purvi Shah for the Petitioner.
Mrs. Taubon F Irani for the Respondent.

CORAM : R. M. SAVANT, J.
DATE : 04th January 2017

P.C.

1 The writ jurisdiction of this Court is invoked against the orders dated 21/12/2016, 23/11/2015, 03/11/2016 and 16/04/2016 passed by the Family Court, Mumbai.

2 In so far as the order dated 21/12/2016 is concerned, the same relates to the application for Christmas Vacation access of the child "Naomika". By the said order the Respondent wife in the said application being Petition No.MA 171 of 2015 i.e. the Petitioner herein was directed to hand over the custody of the child "Naomika" to the Respondent herein i.e. the husband, and the Respondent herein who was the Petitioner in the said application being Petition No. MA 171 of 2015 was directed to bring back the child to the place of the Petitioner herein who was the Respondent in the said proceedings at 11.00 am on 28/12/2016. The said order also permitted the Respondent

herein to take police aid for picking up the child from the place of the Petitioner herein and for bringing back the child to the same place to hand over the custody to the Petitioner herein who was the Respondent in the said proceedings. In so far as the challenge to the said order is concerned, the said challenge has turned infructuous in view of the order passed by the learned Vacation Judge (A.K.Menon,J) by which order access in the Christmas Vacation was provided to the Respondent herein in terms of the directions as contained in the said order.

3 In so far as the order dated 23/11/2015 is concerned, the said order is not annexed to the above Petition. However, the learned counsel for the Respondent stated that the said order also concerns access as per the Consent Terms and pending adjudication of the Misc. Application No.171 of 2015. The said fact is also borne out by the synopsis. Having regard to the fact that the said order is not annexed, as also having regard to the nature of the order, no interference is called for with the said order at this stage when Misc. Application No.171 of 2015 for modification/variation of the Consent Terms is pending.

4 In so far as the order dated 03/11/2016 is concerned, by the said order the application filed by the Respondent herein being Interim Application No.119 of 2015 for injunction and other ancillary reliefs came to be allowed

and the directions as contained in the operative part of the said order dated 03/11/2016 came to be issued. The direction is principally in respect of the injunction against the Petitioner herein i.e. the wife restraining her from taking the minor child “Naomika” out of Mumbai without prior permission of the Court. The 2nd direction issued is that the Petitioner herein i.e. the wife shall not withdraw the minor daughter “Naomika” from the present school without permission of the Court, and the 3rd direction issued is that the Petitioner herein i.e. the wife shall submit the copy of the school calender of the minor child in the court and provide the copy of it to the Respondent herein i.e. the husband who was the Petitioner in the said Interim Application.

5 In the context of the fact that the Misc. Applications filed by both the sides for modification/variation of the Consent Terms are pending, the directions as contained in the order dated 03/11/2016 cannot be faulted with. Hence in so far as the said order dated 03/11/2016 is concerned, this Court does not find any merit in the said challenge.

6 In so far as the order dated 16/04/2016 is concerned, though the said order has been passed as long back as on the said date, a copy of the said order has not even been annexed to the above Writ Petition. Hence the challenge to the said order cannot be entertained by this Court.

7 The Petitioner herein has also sought the relief of expeditious hearing of Misc. MP No.150 of 2015 which is filed by her. It seems that the Respondent herein has also filed Misc. Application No.171 of 2015. The learned Judge of the Family Court having regard to the position of his docket, may consider expeditious hearing of both the Misc. Applications.

8 The Petitioner in the body of the Petition and especially in paragraphs 23 and 32, has used language which can be said to be intemperate and contemptuous, vis-a-vis the learned Judges of the Family Court are concerned, this Court in the above Writ Petition refrains itself from taking cognizance of the same and proceed against the Petitioner herein, in the hope and belief that the Petitioner herein would make amends and restrain herself from using such language in future against the learned Judges who have passed orders in the proceedings concerning the Petitioner and the Respondent.

9 With the aforesaid observations, the above Writ Petition is disposed of.

[R.M.SAVANT, J]