

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.116 OF 2013

WITH

CIVIL APPLICATION NO.169 OF 2013

Wasim Javed Mohammed Jamil Ansari ..Appellant.

V/s.

Sadaf Naaz Wasim Javed Ansari ..Respondent.

Mr.Hakim Salim A.R.for the Appellant.

Ms.Shikani Shah I/b. Mr.S.R.Gaud for the Respondent.

***CORAM: R.M.SAVANT AND
N.J. JAMADAR, JJ.***

DATE : NOVEMBER 26, 2018

P.C.:-

The above Family Court Appeal arises out of the judgment and order dated April 3, 2013 passed by the learned Judge of the Family Court No.4, Mumbai in Petition No.D-19/2010. The said judgment and order has been passed in a petition under section 25 of the Guardians and Wards Act, 1890 and is in respect of the custody of the minor daughter Abdia, who is born out of the wedlock between the Appellant and the

Respondent. The above Appeal had come up for admission on November 18, 2013 when by an order passed by a Division Bench of this Court on the said day in Civil Application No.169 of 2013, interim arrangement pending the Appeal was made in respect of the access of the minor child Abdia. The operative part of the said order reads thus :-

- “I) The applicant shall pick up the child from Mane Garden, Nagpada on every Sunday at 10.00 a.m. and leave the child at about 6.00 p.m. at the same place on the very same day. Order dated 3/4/2013 is thus modified.*
- II) It is made clear that the applicant shall not take the child out of Mumbai. ”*

2. The learned counsel appearing on behalf of the Appellant i.e. the husband Wasim Javad Mohammed Jamil Ansari states that the Appellant has no objection if the custody of Abdia remains with the Respondent. He however states that the Respondent be directed to comply with the direction contained in the order dated November 18, 2013 in so far as access to Abdia is concerned. Upon this, the learned counsel appearing for the Respondent, on instructions from the Respondent who is

personally present in the Court, states that the Respondent would comply with the said direction in so far as providing access of Abdia to the husband is concerned. Statement is accepted.

3. In view thereof, it is not necessary to keep the above Family Court Appeal pending. The said arrangement will continue till Abdia reaches the age of 18 years, after which she would be free to choose with which parent she would like to reside. It is understood between the parties that the Appellant would intimate the Respondent as regards taking of access atleast a day prior to taking the said access. The learned counsel for the Respondent states that phone number of the Respondent would be provided to the Appellant during the course of the day.

4. In the light of the aforesaid, the above Family Court Appeal to stand disposed of.

(N.J. JAMADAR, J.)

(R.M.SAVANT, J.)