

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11854 OF 2018

Aneesha Dutt ...Petitioner

vs.

Ashu Datt ...Respondent

Mr. Nitin Sardesai, Sr. Counsel a/w. Ms. Deepa Chawan and Ms. Reshmarani Nathani and Mr. Ravindra Chile I/b. Wasim Ansari, for the Petitioner.

Mr. Rohan Cama a/w. Ms. Sapana Rachure, for the Respondent

CORAM : M. S. SONAK, J.

DATE : DECEMBER 10, 2018

P.C.:

. After this matter was heard for a considerable length of time, the learned counsel for the parties on the basis of instructions from the parties, who are present in the Court requested that this Petition be disposed of with the following agreed order which is strictly without prejudice to their rights and contentions.

(i) Ahren shall be permitted to travel to Thailand between 21st December, 2018 and 6th January, 2019.

(ii) The Petitioner, during the aforesaid period, will remain in India and undertake not to travel out of India during the aforesaid period or until Ahren returns to India. The Petitioner has stated

that her passport is already deposited with the Cyber Police Station, Bandra Kurla Complex. The same will remain with Cyber Police Station, Bandra Kurla Complex until further orders from the competent Court.

(iii) The Registry of this Court is directed to release the passport of Master Ahren as well as the O.C.I. card to the Petitioner, so that Ahren is able to travel to Thailand between 21st December, 2018 to 6th January, 2019.

(iv) The Petitioner undertakes on behalf of her son Ahren and in her personal capacity that Ahren will return to India latest by 6th January, 2019. The Petitioner further undertakes that after Ahren's return, she will immediately deposit Ahren's Thai passport and O.C.I. card with the Registry of this Court. Such deposit shall be within one week from the date of Ahren's return under due intimation to the learned counsel appearing for the Respondent.

(v) The Respondent makes it clear that he has not filed any complaint against Ahren and he has not and he will not create any obstruction to Ahren to travel to Thailand during the aforesaid period including any obstruction with the Emigration authorities at the Mumbai International Airport.

(vi) This clarification is issued, since on this occasion, Ahren is to

travel alone to Thailand during the aforesaid period.

(vii) The Petitioner is directed to ensure that no application is made for custody of Ahren in any Thailand Courts or any admission of Ahren in any Thailand schools whilst visiting Thailand on the aforesaid dates.

(viii) This order shall not be treated as a precedent and any application in relation to future travel of Arhen or the Petitioner, will be considered and decided by the Family Court on their own merits and without being influenced by any observations either in the impugned order or in that matter the present order.

(ix) It is once again clarified that all rights and contention of the parties on the aspect of future travel proposals are kept open.

(x) Since Ahren continues to be effectively in the custody of the Petitioner, it shall be the responsibility of the Petitioner is to ensure that Ahren returns to India by 6th January, 2019. If this is not done then, without prejudice to any other rights and remedies which the parties may have, it is made clear that the direction for forfeiture of shares shall also operate as contemplated in the order dated 25th August, 2015 made by the Hon'ble Apex Court in Civil Application No. 6516 of 2015.

(xi) The earlier directions for disposal of pending Petition before

the Family Court are reiterated. Thereafter notwithstanding this interim order both parties to cooperate with the Family Court in the matter of expeditious disposal of such proceeding on or before the date on which such proceeding have been directed to be deposited.

(xii) All concerned to act on the authenticated copy of this order.

(M. S. SONAK, J.)