

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.13144 OF 2017****WITH****WRIT PETITION NO.8099 of 2016**

Swati Vedant Jatia

.. Petitioner

*Versus*

Vedant Vijay Jatia

.. Respondent

**WITH****WRIT PETITION NO.9963 OF 2016****WITH****WRIT PETITION NO.9966 OF 2016**

Vedant Vijay Jatia

.. Petitioner

*Versus*

Swati Vedant Jatia

.. Respondent

...

Mr.Taubon Irani for the petitioner in WP 13144/17 and WP 8099/2016 and for the respondent in WP 9963/16 and 9966/16.

Mrs.Mrunalini Deshmukh with Mr.Sanjog Parab and Mr.Akshay Patil i/b Mr.Vikrant D. Shetty for the respondent in WP 13144/17 and WP 8099/2016 and for the petitioner in WP 9963/16 and 9966/16.

**CORAM: SMT.BHARATI H. DANGRE, J****DATED : 28<sup>th</sup> MARCH 2018****P.C:-**

1           Writ Petition No.13144/2017 was listed before this Court along with Writ Petition No.9963/2016, WP No. 9966/2016 and WP 8099/2016.

2           Writ Petition No.13144 of 2017 is filed by the petitioner wife challenging the order dated 11<sup>th</sup> September 2017 passed by the Family Court, Mumbai on an application seeking interim maintenance for herself and two children. Writ Petition 9966/2016 and 9963/2016 are filed by the petitioner husband in relation to grant of an overnight access and a restraint order that has been passed by the Family Court directing to maintain status quo. Writ Petition No.8099/2016 is a petition filed by the petitioner wife revolving around the access order.

With the consent of the parties, all the four petitions were taken up for hearing together since it involves the same parties and are related to the marital discord amongst them and touching the various aspects of it viz. maintenance, liability of the husband, need and requirements of the wife and access and custody of the children. Writ Petition No.13144/2017 was heard at length and it is closed for judgment on the parties concluding their arguments.

2           As regards the three other petitions, which pertain to the custody of two children, aged 11 years and 10 years respectively, the learned counsel for the parties were heard extensively. There were several rival claims by the parties against one another. However, ultimately, both the parties who are present in the Court graciously come to certain terms with the able assistance of their respective counsels and based on these terms and conditions, the following order is passed resulting into disposal of all three Writ Petitions.

3           The said terms and conditions, as agreed by the parties who are present in the Court, are reflected below.

(1)   The father Mr.Vedant would be entitled for access to both the children on the working Saturdays in the month of April, May and June in the children complex in the Family Court at Bandra between 11.00 am to 1.00 p.m. The access would be availed under the observation of an 'Observer' to be deputed by the Family Court. It is agreed that the mother would refrain herself from being present in the premises when the access is being availed.

(2)   The parties agree that since the Family Court is functioning only on 1<sup>st</sup> and 3<sup>rd</sup> Saturdays, one additional day's access would be granted in the month of May and June as per the convenience of the children and by previous exchange of the date between the parents.

(3)   The Observer would prepare a detailed report of all these meetings for the period of three months and submit the same to the Family Court on expiry of the third month. The Family Court, after considering the report of the Observer, is entitled to modify the present arrangement worked out between the parties by taking into consideration the right of the children to have access to the father and would either continue with the said arrangement, or may grant an additional access, if it deems fit that the children are coping well with the father.

(4) It is being informed by the parties that the proceedings pending before the Family Court seeking custody of the children vide D-44 and all the ancillary proceedings pending in the Family Court is posted for evidence of the parties on 10<sup>th</sup> May 2018. The Family Court is requested to conclude the said proceedings within a period of one year and it is assured by both the parties that they would render all their co-operation for the time-bound completion of the proceedings.

(5) It is made clear that this Court has not expressed any opinion on the rival claim of the parties in respect of custody or access of the children and all the rival contentions of the parties are kept open.

Writ Petition 8099/16, WP 9963/16 and WP 9966/16 stand disposed of in light of the terms agreed between the parties as reproduced in paragraph no.3 of the order.

**(BHARATI H. DANGRE, J)**