

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8373 OF 2019
(IN WRIT PETITION NO. 12432 OF 2017)

Dr. Sonila Suresh Prasad Gupta ...Applicant

Versus

Dr. Amit Kumar Ramesh Prasad Gupta & ...Respondents
Ors.

.....

Ms. R.S.Kulkarni, Advocate for the Applicant.
Mr. R.P.Adgaonkar, Advocate for the Respondent No.1.

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CORAM : RAVINDRA V. GHUGE, J.

DATE : 19-07-2019.

PER COURT :

01. This matter is heard for sometime. The learned Advocate for respondent No. 1 submits on instructions that the prayers putforth at Clauses A, B, C and D can be allowed. He objects to clause E and F. In so far as the prayer in paragraph No. 4 is concerned, he submits on instructions that the land line number of the residence of the respondent No. 1, or an alternate number wherever he may be posted, would be conveyed to the applicant on her cellular phone either by SMS or whatsapp and the two children can speak to the applicant mother on the said

land line and *vice versa*.

02. In so far as the prayer at Clause F is concerned, I find that respondent No. 1 can not oppose the request of the applicant that her name as the biological mother of the two children respondent Nos. 2 and 3 has to be mentioned in all statutory and school records.

03. In view of the above, this Civil Application is partly allowed with the following prayers being accepted and the following directions :

(A) The respondent No. 2 and 3 be allowed to spend their long (exceeding 2 weeks) vacations with the present applicant (mother) wherever she is posted. Since, both the applicant and respondent No. 1 are serving doctors in CRPF and hence their service is transferable, thus sharing of the holidays would become tedious and cumbersome for the parties. The respondent Nos. 2 and 3 thus can spend their short vacations with the respondent No. 1(father).

(B) The applicant be allowed to take the respondent Nos. 2 and 3 to united kingdom where the maternal uncle resides during the

long holidays which they would be spending with the applicant. The applicant undertakes to ensure that the respondent Nos. 2 and 3 would reach back before the vacation ends and would ensure that the education of the respondent Nos. 2 and 3 would not be hampered.

(C) The applicant be allowed to visit and meet the children at the place of respondent No. 1 during their short vacations and on their respective birthdays.

(D) The applicant be allowed to speak to the respondent No. 2 and 3 on every Saturday and Sunday in the evening and on other weekdays if the respondent NO. 2 and 3 should wish. The respondent No. 1 would ensure and facilitate the same.

(E) In so far as the prayer clause (E) seeking consultation between the applicant mother and respondent No. 1-father while admitting respondent No. 3 daughter to any school or college is concerned, the learned Advocate for the applicant submits on instructions that she would not press the said prayer for the academic year 2019-2020, as the father informs that the admission process of respondent No. 3-daughter in a school at Jammu is already

completed. Her right to putforth the said prayer any time in future is deemed to be reserved and it shall be open to her to make such a request after the academic year 2019-2020.

(F) The name of the applicant, being the biological mother of respondent Nos. 2 and 3, shall be entered in the school records including a boarding school if any, and her name as the biological mother shall be reflected in all such records as are normally and ordinarily maintained by the educational institutions.

(G) As noted above, the first respondent shall convey the residence land line number alongwith the STD code to the applicant within a period of one week from today by whatsapp or SMS on the cell phone number of the applicant. In the event respondent No. 1 does not have a land line installed at the residence, he would permit the respondent Nos. 2 and 3 to use the simple mobile phone gifted to the children by the applicant, which can be used only for calling and receiving calls and is neither a smart phone nor does it have any internet on wi-fi facility.

04. In the event the applicant finds undue interference and restrictions of respondent No. 1 on respondent Nos. 2 and 3 which prevent them from talking to

the applicant on the said land line number, she would be at liberty to file a civil application in this Court for further Orders.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-