

IN THE HIGH COURT OF BOMBAY AT GOA**MISC.CIVIL APPLICATION NO. 1087 OF 2019****IN****SECOND APPEAL NO. 75 OF 2018**

ROXANN SHARMA

... Applicant

Versus

ARUN SHARMA

... Respondent

Ms. Maria Caroline Collasso, Advocate for the Applicant.
Respondent in person.

Coram:- DAMA SESHADRI NAIDU, J.**Date:- 17th December 2019****P.C.:**

The applicant-wife is the respondent in Second Appeal No.75 of 2018. That appeal and this Misc. Civil Application, too, testify to a raging parental dispute for the child's custody. The wife professes Christian faith and lives in Goa, along with the child. The Court granted the child's custody to her and the visitation rights—three times a week—to the husband.

2. Now, the applicant wants to take the child to Mumbai for the Christmas vacation. She claims to have made friends in Mumbai over the course of time, for she lived there long. To justify her taking the child to Mumbai, she pleads, through her counsel, that when the respondent husband wanted the child's exclusive custody for Hindu festivals, she readily agreed. She wanted the same generosity reciprocated.

3. The respondent husband, *pro se*, has submitted that the applicant

may take the child to Mumbai for a limited period. But that should be subject to these conditions: (i) She should provide to the Court the particulars of her stay, including the address, in Mumbai; (ii) She should specify the date of her return and produce a copy of return tickets; and (iii) She should not seek any extension of her stay.

4. That apart, the respondent has also insisted that in Mumbai, too, he should have his visitation rights, uninterrupted.

5. Heard Ms. C. Collasso, the learned counsel for the applicant, and the respondent husband in person.

6. I reckon the respondent has not denied that he had the child's exclusive custody during Hindu festivals, for whatever period. It is only fair for the Court to allow the applicant the same advantage of spending her time during Christmas with her child, in the company of her friends at Mumbai. At the same time, I hold that the respondent's insisting on certain conditions is justified. Under these circumstances, I allow this Misc. Civil Application subject to these conditions:

(i) The applicant may take the child to Mumbai and stay there till Christmas vacation—for ten days. About the period of stay, that is the date of her leaving and date of her coming along, the applicant will file an undertaking before this Court, spelling out the details of her stay in Mumbai.

(ii) As the above condition takes care of the date of applicant's return as well, I hold that no further extension shall be granted for the

applicant's stay in Mumbai along with the child.

(iii) True, the respondent may not have visitation right for these ten days. The applicant wants to spend the time in Mumbai exclusively with friends and the child. Let that happen. The husband will have his visitation rights resumed as soon as the applicant returns to Goa.

DAMA SESHADRI NAIDU, J.

NH