

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.93 OF 2019
IN
FAMILY COURT APPEAL NO.146 OF 2018

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Viren Bhagwandas Asher	...Applicant
v/s	
Damayanti Hemant Matani	...Respondent

...

Mr.Subhash Jha a/w Kalpana Ashar, Ms.Sanjana Pardeshi, Ms.Chhaya Asha i/by M/s. K. Ashar & Co. for the Applicant.
 Mr.Ashish Kamat a/w Mr.Ashwin Bhadang, Ms.Priyanka Mehta, Ms.Ankita M., for the Respondent.

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CORAM : A.A. SAYED &
RIYAZ IQBAL CHAGLA, JJ.

DATED : 18 APRIL 2019

P.C.:

Without prejudice to the rights and contentions of the parties, learned Counsel are agreed to the following order being passed:

ORDER

(i) The Applicant is permitted access/temporary custody of Darsh from 4 May 2019 to 28 May 2019. The Applicant/his mother (POA holder) is permitted to take Darsh to United Kingdom, inter alia, for the purpose of medical examination of Darsh at Queen's Medical Centre Campus, Nottingham. The Respondent shall handover the passport of Darsh to the Applicant/his mother (POA holder).

(ii) The Applicant/his mother (POA holder) is permitted to take Darsh from the residence of the Respondent on 4 May 2019 and hand over custody of Darsh to the Respondent at her residence on 28 May 2019 alongwith his passport.

(iii) The Applicant shall not apply for admission or seek to admit Darsh in any school in UK or any other country and shall not file any litigation seeking custody, guardianship of or access to Darsh, in the Courts at UK or any other country.

(iv) The Applicant shall ensure that during his stay in UK, Darsh visits and spends time with his Mother-Mrs.Bhairavi Viren Asher, who is residing at Sea Cole Ward, Wells Centre Road, Nottingham, NG#AA, UK, atleast twice a week, subject to approval of "Nottingham Health Care" Hospital including in the manner permitted by the said Hospital.

(v) All expenses for Darsh's stay, travel etc. including medical examination shall be borne by the Applicant.

(vi) The Applicant shall furnish an itinerary of Darsh's stay in UK to the Respondent alongwith two contact numbers.

(vii) The Applicant shall not seek extension of time for access/temporary custody of Darsh.

(viii) The Applicant as also his mother (POA holder) shall file Undertaking in this Court incorporating the above terms on or before 27 April 2019. The filing of such Undertaking shall be condition precedent for this order to operate.

2. The Civil Application is disposed of.

3. List the Civil Application on 4 June 2019 for `direction' for reporting compliance.

(RIYAZ IQBAL CHAGLA,J.)

(A.A.SAYED, J.)