

Trusha T.
Mohite

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.3782 OF 2020
IN
FAMILY COURT APPEAL NO.43 OF 2020**

Swati Kailash Datrange .. Applicant

vs.

Kailash Pramod Datrange .. Respondents

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Dr.Uday P. Warunjikar a/w Mr.Siddhesh Pilankar for the
applicant

Mr.Ashok Yadav for the respondent

.....

**CORAM: K.K.TATED &
N. R. BORKAR, JJ.
DATED : DECEMBER 01, 2020**

P.C.

. Heard.

2. By this application, Applicant wife is seeking stay of the operation and implementation of the judgment and decree dated 04.01.2020 passed by Family Court at Bandra, Mumbai in Petition No.A-2197 of 2017.

3. Applicant wife is also claiming the maintenance charges for the child to the extent of Rs.40,000/- and permission to her to take the son Ansh out of India. During the course of argument, both the parties agreed to dispose of

the present interim application by consent on following terms and conditions which read as under:

“By consent of the parties following Order be passed in the present Interim Application.

1. There will be stay to the decree of divorce during pendency of the appeal.
2. The Respondent husband agrees to pay Rs. 15,000/- pm. as maintenance to child with effect of 01/01/2021.
3. The husband Respondent agrees to clear the arrears in 2 months period from today.
4. The applicant wife is permitted to apply for visa of the child but she will have to seek permission of this court before leaving India. The Applicant will be at liberty to apply for the same cause of action for present prayer clause (c) in this Interim Application.
5. Fresh Interim Application for permission to go abroad will be heard & order will be passed accordingly by this Hon’ble Court.
6. As on today child is in the custody of the Respondent and he is present and undertake to return child on or before 6/12/2020 at 8.00 pm.
7. The Interim Application be disposed off with this order but matter be listed on the board for reporting compliance on 07/12/2020.
8. All contentions of both parties be kept open.”

4. Terms and conditions dated 01.12.2020 signed by both the Advocates for the Applicant and the Respondent are taken on record and marked 'X' for identification.

5. During the course of argument, the learned Counsel for the Applicant wife made a statement before this court that they will follow and obey order passed by the Family Court dated 04.01.2020 in respect of giving the access of the child Ansh to the Respondent father. Statement is accepted.

6. Liberty granted to the Applicant to prefer appropriate application for the relief in terms of prayer clause (c) of the interim application and that will be decided on its own merits after hearing.

7. All contentions of both the parties are kept open.

8. Interim application stands disposed of in terms of consent terms and conditions dated 01.12.2020. No order as to costs.

9. Undertaking given by both the parties is accepted.

. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on a digitally signed copy of this order.

(N. R. BORKAR, J.)

(K.K.TATED, J.)