

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO.95 OF 2021

Vijaylakshmi Avinash Kadam .. Applicant
Versus
Avinash Pandurang Kadam .. Respondent

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Mr.Vikas B. Shivarkar for the Applicant.

Mr.Shriram S. Kulkarni for the Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 27th OCTOBER, 2021

P.C:-

1. By the present application, the applicant/wife seeks transfer of proceedings filed by her in the Family Court at Pune in form of P.D.No.11 of 2020, seeking custody of the child, who is presently with the respondent/husband. The transfer is sought to the Court of learned Civil Judge, Senior Division, Kalyan though the applicant is residing at Ulhasnagar on the premise that it will be the learned Civil Judge, Senior Division, who would be competent to deal with the custody application.

2. While the matter was being heard, the applicant, in presence of her counsel and the learned counsel for the respondent, has reached to a consensus that the applicant will continue with the proceedings filed before the Family Court at

Pune, provided, this Court issue a direction to decide the P.D. No.11 of 2020 in a time bound manner. She also seeks a liberty to move an application, seeking interim access to the child during the said proceedings.

Learned counsel for the respondent submits that he has no-objection if the matter is directed to be decided in a time bound manner by the Family Court and he also assures that if an application is made for seeking interim access, the access as directed by the Court, shall be permitted to be availed by the applicant. Amidst the settlement between the parties, I deem it expedient to impose another condition that till the application filed by the wife for access to the child is decided by the Family Court, the respondent shall bring the child to the Family Court on every date of hearing, so that the applicant will be in a position to avail the access of the child. The access shall be availed in such a way that the child shall not be put in inconvenience and his studies shall not be interrupted. Hence, the following order.

: **ORDER** :

1. The Family Court, Pune is directed to decide P.D.No.11 of 2020 within a period of one year from today. However, if an application for interim access is moved, the Family Court shall proceed to hear it with utmost priority.
2. On the dates of hearing of P.D.No.11 of 2020 before the Family Court, Pune, the respondent shall bring the child in the Court so that the applicant can avail the access of the child. This is ofcourse, without any inconvenience to the minor child.

3. With the aforesaid directions, Miscellaneous Civil Application stands disposed of.

(SMT. BHARATI DANGRE, J.)