

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

CIVIL WRIT PETITION NO.9506 OF 2021

Rima Pranav Shah
Nee Rima Dilip Mehta

.. Petitioner

Versus

Pranav Surendra Shah

.. Respondent

.....

Ms.Tanvi Wagle a/w. Ms.Anueshka Pavaskar i/b. M/s.Jai Vaidya,
Advocate for the Petitioner.

Mr.Mohit Bhardwaj, APP for the Respondent.

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**CORAM : MADHAV J. JAMDAR, J.
(VACATION COURT)**

DATED : DECEMBER 25, 2021.

P.C. :

Heard Ms.Tanvi Wagale, learned counsel appearing
for the petitioner and Mr.Mohit Bhardwaj, learned counsel for the
respondent.

2 The petitioner has challenged order dated 17th
December, 2021, passed by the learned Judge, Family Court No.5
Mumbai in Interim Application filed in Petition No. A-503 of 2019.
By said order, the said Interim Application was partly granted by

directing that the respondent is entitled to get 50% overnight vacation access of child i.e. Christmas, summer, Ganpati and Diwali festival/vacation. Clause nos. 2 to 8 of the said order are regarding overnight vacation access during Christmas vacation.

3 Clause 1 of order dated 17th December, 2021, is maintained. In case of difficulty, the parties are at liberty to approach family Court Bandra, Mumbai. As far as clause nos.2 to 8, are concerned, the same are modified by consent of parties and the petitioner and respondent by consent have arrived at some arrangement and have filed Minutes of Order signed by both the advocates. The same is taken on record and marked “X”, for identification. Accordingly, in terms of said minutes of order, following order is passed, by consent of parties.

:: ORDER ::

- (i) The respondent-father is entitled to get 50% overnight vacation access of child i.e. Christmas, summer, Ganpati and Diwali etc. In case of difficulty, liberty to the parties to approach Family Court, Bandra, Mumbai;

- (ii) With regards to the Christmas vacation, the respondent father shall be availing access, as follows:
- (a) Respondent-father will pick up the minor daughter Viana from the office of the Marriage Counselor of the 5th Family Court, Bandra, Mumbai at 11:00 a.m., on 30th December, 2021, and, handover the minor daughter to the petitioner-mother before the said Marriage Counselor at 11:00 a.m. on 1st January, 2022;
 - (b) There would be free communication between the minor daughter and the petitioner-mother during the said access;
 - (c) The said access will be terminated if the minor daughter is disturbed, upset and wants to return to her mother's home;
 - (d) In case of any medical emergency, the respondent-father should take the minor daughter to the hospital and inform the mother immediately, and, handover the custody to the petitioner-mother, immediately;

(e) Petitioner-mother will share all the medical records of the minor daughter with the respondent-father.

(iii) Order dated 17th December, 2021, passed by learned Judge Family Court No.5, Mumbai, passed in Interim Application in Petition No.A-503 of 2019, stands modified as above:

Writ Petition No.9506 of 2021, stands disposed of in the above terms.

(MADHAV J. JAMDAR, J.)