

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

**FAMILY COURT APPEAL NO. 10 OF 2016 WITH
CROSS-OBJECTION NO. 22 OF 2016**
(Amit s/o Narendra Samrit **Vrs.** Smt. Charuta w/o Ashish Ingole)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Malika Yeduka, Advocate h/f Shri S.P. Bhandarkar, Adv.
for the appellant.
Dr. R.S. Sirpurkar, Advocate the respondent.

**CORAM:- A.S. CHANDURKAR AND
PUSHPA V. GANEDIWALA, JJ.**

DATED :- FEBRUARY 24, 2021.

This appeal challenges the judgment and decree dated 13/10/2015 in petition No. D-30/2014 passed by the Judge, Family Court No. 2, Nagpur.

2. Learned counsel on behalf of both the sides today placed on record a joint application stating therein that the parties have settled the terms with regard to custody of daughter Ishita.

3. It is informed that the parties i.e. the appellant – Amit Samrit and respondent – Smt. Charuta Ingole are at present residing in U.S.A. The parents of both the parties are present in the Court and it is stated that they have sworn in the affidavit on behalf of the respective parties.

4. In the joint application at paragraph No. 9 the terms of settlement with regard to custody of daughter Ishita reads as follows :

“9. The instant appeal has been taken up for final hearing by this Hon’ble Court in January – February 2021. In view of the changed circumstances, that both the parents of Child Ishita are residing in USA for the present and in view of the fact that the Ishita is at her crucial stage of education in Grade-9, Grade-10, the parties agree to the following arrangement in respect of custody and access of child - Ishita till 18 years of age, where after child shall be free to take her own decisions.

I) Child Ishita is 15 years of age, at present, her custody is with her mother Charuta Ashish Ingole, residing in Nashua, New Hampshire, USA. The appellant/father is residing at Hackensack, New Jersey 07601, USA along with his spouse and son.

II) Sole custody of the child Ishita is and shall continue with mother Charuta Ashish Ingole.

III) Since parents of child Ishita are residing in USA, though with their respective spouses, access of child Ishita shall be granted to appellant/father through Skype calls for ½ an hour, at around 11.00 AM on every Saturday. The physical access of child Ishita being facilitated in India stand discontinued.

IV) Child’s access is being modified from the directions given by the Hon’ble Family Court, Nagpur and this Hon’ble Court, in view of ongoing Pandemic, travel restrictions, so also the crucial academic stage of child Ishita, where she has to devote several hours in her studies and academics.

V) The appellant/father has no objection for any application for grant or renewal of child Ishita’s VISA

for travel to USA or any other country in view of above.

VI) Such arrangement shall continue till child is 18 years of age on 06-01-2024.

VII) Appellant father shall not file any proceedings in future, against the respondent mother or her husband Ashish Ingole, in respect of custody, residence or travel of child Ishita.

VIII) In lieu of these terms, the respondent/mother waives the travel expenses borne by her to bring child Ishita to India for grant of access to father which are outstanding against appellant/father till date and also shall not make any claims in respect thereof, anytime in future. Respondent shall inform the appellant about any change in address, email or Skype ID.

IX) Parties agree to dispose of the instant appeal on the aforesaid terms.”

5. Learned counsel for the appellant submits that with regard to term at clause No. 8, the time with regard to communication about any change in address of the respondent shall be informed to the appellant as soon as possible and at least within a period of ten days from the date of occurrence. Learned counsel for the respondent does not have any objection with regard to the addition of this condition.

6. Learned both the counsel submit that the decree of the trial Court be modified in the terms of settlement between the parties.

7. We have perused the terms of settlement and found to be legal and feasible. In this view of the matter,

the appeal is disposed of and the decree of the trial Court has been modified in the terms of settlement between the parties with the added condition that the respondent shall inform the appellant within a period of ten days about any change in address, email or skype ID.

8. The appeal is disposed of with no order as to costs.

9. All civil applications and the cross-objection are disposed of accordingly.

JUDGE

JUDGE

**DB*