

Item No.1

THE HON'BLE THE CHIEF JUSTICE HIMA KOHLI
AND
THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

F.C.A.No.293 OF 2018

JUDGMENT: *(Per the Hon'ble the Chief Justice Hima Kohli)*

1. On the last date hearing, the parties were directed to remain present for the court to explore the possibility of their arriving at a settlement.
2. Learned counsel for the respondent/wife had stated before the court that her client would be willing to give up her claim on the custody of the minor children in terms of the impugned order, if the husband is agreeable to arrive at a onetime settlement on the parties parting company with each other by taking divorce by mutual consent.
3. The appellant/husband and respondent/wife are present virtually before this court today along with the respective counsel.
4. The appellant/husband states that the two minor children of the parties (daughter, aged 16 years and son aged 10 years) are residing with him. But the children are at liberty to visit their mother whenever they desire. The said position is confirmed by learned counsel for the respondent/wife, who states that the children have been residing with the father for the past several years and she does not want to dislodge them as long as the husband does not prevent them from meeting the mother. Therefore, she has no objection to the impugned order dated 30.01.2018 being modified accordingly.

5. We may note that by the impugned order, the learned Family Court has directed that the custody of the minor children be handed over by the father to the mother. Simultaneously, the petition for divorce filed by the mother, has been dismissed.

6. In view of the aforesaid submission made by learned counsel for the respondent/wife and the fact that both parties agree that the impugned judgment, as regards handing over the custody of the children to the mother be modified, ordered accordingly. As agreed, the custody of the children shall remain with the father. However, the children shall be at liberty to meet their mother whenever they so desire as per the arrangement that has been continuing so far.

7. With these directions, the appeal is disposed of along with the pending applications, if any.

HIMA KOHLI, CJ

B.VIJAYSEN REDDY, J

01.07.2021
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