

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

F.C.A.Nos.10 of 2019 and 439 of 2018

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

1. Both the appellant/father in F.C.A.No.10 of 2019 and the appellant/mother in F.C.A.No.439 of 2018 are aggrieved by the common judgment dated 14.08.2018 passed by the learned Family Court whereunder, while granting divorce to the parties as prayed for, permanent alimony of Rs.30,00,000/- has been awarded to the mother and the minor child, who is presently nine years old. However, the learned Family Court did not accede to the request of the mother for granting her permanent custody of the minor child and for payment of separate maintenance for the child.

2. Pursuant to the order passed on 05.02.2021 in F.C.A.No.10 of 2019, both the parties are present today. We have interacted with them and their respective counsel and after much back and forth, it has been agreed that if the father pays a full and final sum of Rs.20,00,000/- in favour of the minor child within eight weeks from today and gives up any claim for seeking the child's permanent custody, the mother will not claim any further amounts from him and she would be agreeable to visitation rights being granted to the father in respect of the child. The parties have further agreed that the sum of Rs,20,00,000/-, that

the father has agreed to pay for the child, shall be placed in FDRs and the interest accrued on the principal amount shall be withdrawn by the mother for maintaining the child and for his education till he attains the age of majority.

3. It is therefore directed that the sum of Rs.20,00,000/- (Rupees twenty lakhs only) shall be paid by the father in favour of the son through RTGS directly into the account of the mother, for FDRs to be prepared by her for each instalment. The aforesaid amount shall be paid by the father in the following manner:-

Sl.No.	Amount Rs.	On or before
1.	5,00,000/-	25.06.2021
2.	5,00,000/-	09.07.2021
3.	5,00,000/-	23.07.2021
4.	5,00,000/-	06.08.2021

4. It is agreed that any default on the part of the father in depositing the aforesaid instalments, shall attract interest at the rate of 12% per annum to be paid along with the next instalment. It is further agreed that since the child has not met the father for a long duration, he will have to familiarise himself with the child for which, to start with, a neutral venue would be appropriate. Ms. S. Vani, learned Advocate has kindly offered her office as a neutral venue to commence the interaction.

5. Accordingly, it is directed that starting from 20.06.2021, the mother shall bring the child to the office of Ms. S. Vani, learned Advocate on every alternate Sunday, at 11.00 AM for the father to

have access to the child. For the first five visits, the father shall spend one hour with the child. The said timeline shall be extended to two hours thereafter. If both the parties find that the child is comfortable with the father, then the venue of the meeting as also the timeline can be altered/extended, at their discretion. In case of any differences/disputes on the above parenting plan, the parties can move an application in the present proceedings for appropriate orders.

6. The parties shall file their respective affidavits undertaking to abide by the terms and conditions of the settlement, as recorded hereinabove within one week while exchanging copies with each other. With the consent of the parties, both the appeals are disposed of along with the pending applications, if any, on the above lines.

HIMA KOHLI, CJ

B. VIJAYSEN REDDY, J

11.06.2021

JSU/PLN