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

FAMILY COURT APPEAL NO. 79 OF 2019

Shiloo Joyprakash Chhetry

....Appellant

V/s.

Dr. Manoj S. Aithal

...Respondent

Ms. Deepal A. Thakkar for Appellant.

Ms. Shubhada Gokhale i/b Ms. Juilee J. Ghadge for Respondent.

Ms. Shiloo J. Chhetry, Appellant present.

Dr. Manoj Aithal, Respondent present.

Ms. Tanvi Aithal a/w Ms. Manasi Aithal, Grand daughters of Appellant and Daughters of Respondent present.

**CORAM : K.R. SHRIRAM &
PRITHVIRAJ K. CHAVAN, JJ.**

**DATED : 18th JUNE, 2022
(IN CHAMBER AT 12.30 P.M.)**

P.C. :

1. On 15th June, 2022 counsel appearing for parties requested the matter to be taken up in chamber to explore the possibility of a resolution. By consent, therefore, the matter was listed today and taken up at 12.30 p.m., in chamber. We had directed the parties who were present in the court on 15th June, 2022 to ask ‘Tanvi Aithal’ the child, for whose custody petition was filed and now this Family Court Appeal, to be present along with her older sibling who lives with respondent.

2. The Family Court, in the impugned order, had held that the sole custody of Tanvi who is now 15 years and 9 months should be with

respondent-father. Against that order appellant, who is the maternal grandmother, has filed this Family Court Appeal.

3. We met Tanvi first alone and asked her, and we find Tanvi to be a very loving and mature child who is very clear in her thoughts, her views in the matter. Tanvi very clearly told us that she would like the current arrangement to continue. The current arrangement is two weeks with appellant and two weeks with respondent.

4. When this appeal was filed, this court had worked out an arrangement between appellant and respondent by which Tanvi would spend time with respondent-father from Thursday evening to Sunday evening and Sunday night to Thursday evening with appellant-grand mother. We are informed by the counsel that in December, 2021 the court which was hearing this Family Court Appeal suggested that instead of making Tanvi share a week between appellant and respondent, Tanvi should spend two weeks with appellant and two weeks with respondent. That arrangement was acceptable to appellant and respondent and that arrangement has continued as on date. This is how the arrangement of two weeks with appellant and two weeks with respondent came into effect.

5. Appellant very categorically informed the court personally that she wants only Tanvi's happiness and she is agreeable to the suggestion

made by Tanvi. Ms.Thakkar after conferring with appellant stated that the appeal could itself be put an end to based on this arrangement. Respondent also, after conferring with his advocate Ms.Gokhale, stated that the arrangement stated by Tanvi is acceptable.

6. Tanvi is currently with appellant and her two weeks time with respondent will start from tomorrow, i.e., 19th June, 2022. The two weeks for Tanvi to stay with respondent will commence on 19th June, 2022 and end on 3rd July, 2022. On 3rd July, 2022 Tanvi will be dropped at the residence of appellant and the two weeks with appellant will end on 17th July, 2022. On 17th July, 2022 respondent will pick up Tanvi from appellant's house and take her home. And so on. We give these dates only for ease of understanding as to what arrangement has been agreed upon.

7. This arrangement shall continue until Tanvi decides and takes decision in discussion with appellant and respondent. We have to note that the parties respected Tanvi's wish and kept Tanvi's interest above all.

8. Appeal accordingly disposed with no order as to costs.

(PRITHVIRAJ K. CHAVAN, J.)

(K.R. SHRIRAM, J.)