

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.29 OF 2020
WITH
INTERIM APPLICATION NO.3817 OF 2019

Smt.Seema Shripad Kerkar .. Appellant
Versus
Shri Shripad Dileep Kerkar .. Respondent

.....
Mr.J.S. Kini a/w. Ms.Sapna S.Krishnappa, Advocate for the Appellant.
Mr.Manmohan A. Amonkar, Advocate for the Respondent.
.....

CORAM : NITIN JAMDAR AND
SHARMILA U. DESHMUKH, JJ.

DATED : 06 October 2022.

P.C. :

The Appeal is admitted and taken up for disposal.

2 Heard learned counsel for the parties.

3 This Family Court Appeal is filed by the wife challenging the judgment and order dated 30 November 2019, passed by the Family Court, Bandra, Mumbai under Sections 6 and 13 of the Hindu

Minority and Guardianship Act, 1956 and Sections 7 and 17 of the Guardianship and Wards Act, 1890. The learned Family Court allowed the Petition and granted access to the Respondent–husband, father of Master Aayush on the date and time specified therein. The Appellant was also directed to inform the progress to the Respondent.

4 The Appeal came up on Board on 29 June 2022, when it was adjourned to take instructions regarding settlement. Thereafter, the matter was taken up in Chamber on 7 September 2022 and 14 September 2022, wherein certain consensus were arrived at and the matter was kept today under the caption, “For Filing Consent Terms”.

5 The learned counsel for the parties state that the parties have arrived at settlement and Consent Terms are filed. For the purpose of reference, the Consent Terms are reproduced below :-

1. In view of the suggestions made by the Hon’ble Court, Parties have agreed to resolve the disputed issue on the following terms:-

2. Master Aayush shall be at liberty to meet his father the Respondent whenever he feels it appropriate and fit and at such place as they both decide. Appellant undertakes not to object or create obstacles of any nature whatsoever for the Minor Child Aayush meeting with his Father the Respondent as also take all steps which will be conducive for the said meeting.

3. Appellant would permit the minor child Aayush to attend the Annual family function at Goa, by either accompanying with the child to Goa, or permit the child Master Aayush to go with his father the Respondent for the event, which dates will be intimated at least one month in advance by the Respondent to the Appellant, to enable the child to attend the function, if possible. The Respondent will only be responsible for bearing the expenses of travel and stay for Master Aayush

4. Appellant would also endeavour to ensure that Master Aayush meets the Respondent at least once quarterly for the next two years i.e., till the child Master Aayush completes his 10th standard examinations.

5. Appellant would also facilitate the video calls for communication between the child Master Aayush and the Respondent on Wednesday evening in between 8 to 8.30 p.m, on a fortnightly basis to start with, which calls could be increased subject to the consent of the child Master Aayush.

6. Appellant will permit the child Master Aayush to meet his father the Respondent more frequently after the child finishes his 10th standard examinations, subject however to the study time table of the Child Master Aayush.

7. Master Aayush having indicated his desire to focus on his studies for the present 9th standard and 10th standard, which are crucial for his future, Appellant and Respondent both would ensure that the child is able to focus on his studies and not get disturbed, in any manner.

8. Respondent in turn has agreed to only contribute for the educational and other expenses of the child Master Aayush depending upon his financial capacity, which he would do by either transferring the amounts, that he feels fit, on such basis, as he feels fit, by R.T.G.S. or by bank transfers alone, in the name of the Appellant, which the Appellant undertakes to accept

and use for the purposes of the child. The bank details of the Appellant are as follows:-

*Seema Dinesh Prabhu. Canara Bank Thane (E) Branch
account No. xxxxxxxxxxxxxx IFSC Code : xxxxxxxxxxxxxx*

9. Parties have agreed that with the passage of time, with the child getting more accustomed to his father, the Respondent, Respondent would get more access to the child Master Aayush on such days which the Respondent and the child agree, for which the Appellant would have no objection.

10. Appellant further would endeavour to persuade the minor child Master Aayush to attend any family functions of the Respondent with the Respondent after the completion of his 10th Standard Examinations.

11. Parties have agreed to the above terms after fully considering the entire matter as also taking into account the welfare of the child.

12. Appellant agrees to send copies of results of Unit Test and Semester Exams of Master Aayush to the Respondent by way of email xxxxxxxxxxxxxx xxxxxxxxxxxxxx

13. For the purposes of giving the results as stated the or any purposes required to fulfill the present consent terms, following whatsapp numbers of the respective parties would be utilized.

[a] Appellant xxxxxxxxxxxxxx

[b] Respondent xxxxxxxxxxxxxx

14. Parties desire that the above appeal be disposed off in terms of the above, with no order as to costs.”

(Details masked)

6 We have perused the Consent Terms. We do not find that

there is anything objectionable in the Consent Terms so as to not to accept the same. We, accordingly take the Consent Terms on record. They are marked “X”. The Appeal is accordingly disposed of in terms of Consent Terms. The impugned judgment and order dated 30 November 2019, passed by the Family Court, Bandra, Mumbai, stands modified in terms of the Consent Terms as above.

7 The consent decree be drawn up accordingly.

8 We appreciate the efforts taken by the learned counsel for the parties for settlement.

SHARMILA U. DESHMUKH, J.

NITIN JAMDAR, J.