

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 177 OF 2023
IN
WRIT PETITION NO. 150 OF 2022 (Filing No.)

GAYATRI AMEY SARDESSAI ... Applicant

Versus

AMEY DILIP SARDESSAI ... Respondent

Ms A. Agni, Senior Advocate with Ms Jay Sawaikar, Advocate for the Applicant.

Ms Sailee Kenny, Advocate for the Respondent.

CORAM: M. S. SONAK, J.

DATE : 26th JUNE 2023

P.C.:

1. Heard Ms Agni, learned Senior Advocate for the Applicant, and Ms Kenny, learned counsel for the Respondent.

2. By this Misc. Civil Application, the mother prays that Krushav be permitted to be enrolled in St. Francis School, Duler Mapusa Goa, after withdrawing his admission from Little Steps School, where he is presently admitted in terms of this Court's Order dated 21.12.2022.

3. In the application, no concrete reasons are given for undertaking this exercise. However, Ms Agni submitted that St. Francis School is a bigger school with many students. She offers that

the facilities at St. Francis School are better. She submitted that St. Francis School is at a distance of 6.5 km, and though the Little Steps School is at a distance of 4.5 km, there is no appreciable difference.

4. Ms Agni also submitted that it was always agreed that admission to Little Steps School was only an ad-hoc or interim arrangement because Krushav was to be admitted to Nisha's Play School. It was also submitted that the admission to Little Steps School was taken at the suggestion of the Headmistress of Nisha's Play School. At that time, Krushav could not be directly admitted to Nisha's Play School because the Respondent did not attend the joint interview scheduled on 07.01.2023.

5. Ms Agni submitted that the facilities available at St. Francis High School were enclosed along with the affidavit filed on 23.01.2023. Therefore, such material is not once again produced along with this application.

6. Accordingly, Ms Agni submitted that it would be in the paramount interest of the child if this application were granted.

7. Ms Kenny opposes the application by pointing out that Krushav is now settled in Little Steps School. She pointed out that even the facilities in the Little Steps School are pretty decent, and now that Krushav has settled in the school, there is no point in shifting him to another school almost three months after the course has commenced. She pointed out the difficulties in adjustment and

making friends when the child is transferred midstream. Ms Kenny presented that the visitation schedules are working reasonably well in the present school, and this is only an attempt to deny or make visitation access difficult for the Father.

8. Considering the rival contentions and the scanty material on record, I see no good reason to allow this application. The submissions based on the paramount interest of the child are made. However, neither of the parents appears serious about Krushav's interests. The parent's paramount interest is in settling inter se scores, little realising their disputes' impact on Krushav and his development.

9. By the order dated 21.12.2022, after hearing the learned counsel for the parties and advising the parties to sit across the table and attempt a settlement, leave was granted to admit Krushav in Little Steps Pre-Primary School by way of interim arrangement. This was no doubt made subject to further orders. Leave was also given, allowing the parties, including the Petitioner, to seek modification/vacation of this order if the Petitioner on material finds out that the admission to Little Steps school was not appropriate.

10. Considering the material on record, there is little to choose between the two schools. Even assuming St. Francis School is a bigger school with a larger number of students, at least at this stage, this would not be a very relevant consideration considering that the child is being admitted only to the playgroup and not to any higher classes.

Instead, the concern that the child has already settled down in Little Steps School is more important.

11. Typically, the initial days at school are a little traumatic for the children. Having settled in one school, there is no good reason to require the child to endure the additional trauma of adjusting to an entirely different school. Such admission would involve several adjustments. Unless adequate grounds are made, there is no good reason to modify the order dated 21.12.2022 or grant the relief as prayed for in this application.

12. As noted earlier, even after considering the material produced along with the affidavit dated 23.01.2023, it is not as if there is some significant advantage in placing the child in the playgroup at St. Francis School. The material produced concerning the Little Steps School shows that even the school is quite good, particularly because we are concerned with the admission to a play group.

13. Now that Krushav is settled in the Little Steps School, it would not be in his interest to shift him almost three months after classes have commenced and admit him to another school like St. Francis School. Admittedly, Krushav has gone to Little Steps school from January to March 2023 and has settled in the said school. The visitation access is also working out well in this school. To change the school at this stage and disturb all this will not be in Krushav's interests.

14. For the above reasons, this application is dismissed. There shall be no order for costs.

M. S. SONAK, J.

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