

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

INTERIM APPLICATION NO. 13390 OF 2023

IN

WRIT PETITION NO. 12421 OF 2019

Deepak Lalitprasad Pant ...Applicant

Versus

Madhurima Deepak Pant ...Respondent

WITH

CONTEMPT PETITION NO. 147 OF 2021

Deepak Lalitprasad Pant ...Petitioner

Versus

Madhurima Deepak Pant ...Respondent

WITH

WRIT PETITION NO. 1150 OF 2021

Madhurima Deepak Pant ...Petitioner

Versus

Deepak Lalitprasad Pant ..Respondent

WITH

WRIT PETITION(ST) NO. 99016 OF 2020

Madhurima Deepak Pant ...Petitioner

Versus

Deepak Lalitprasad Pant ...Respondent

WITH

INTERIM APPLICATION NO. 19269 OF 2022

IN

WRIT PETITION NO. 12421 OF 2019

Madhurima Depak Pant ...Applicant

Versus

Deepak Lalitprasad Pant ...Respondent

WITH

WRIT PETITION NO. 12420 OF 2019

WITH

WRIT PETITION NO. 12421 OF 2019

Madhrima Deepak Pant ...Petitioner

Versus

Deepak Lalitprasad Pant ...Respondent

WITH

INTERIM APPLICATION NO.3241 OF 2023

Madhurima Deepak Pant	...Petitioner
Versus	
Deepak Lalitprasad Pant	...Respondent
WITH	
WRIT PETITION NO. 1988 OF 2024	
Deepak Lalitprasad Pant	...Petitioner
Versus	
Madhurima Deepak Pant	...Respondent

Adv.Firoza Daruwala i/b. Ms.Prabha Badadare for the Petitioner in WP/12421/2019, WP/1150/2021, WPST/99016/2020 and WP/12420/2019 & for respondent in WP/1988/2024, & CP/1471/2021.

Mr.Dushyant Purekar for the Respondent in WP/1241/2019, WP/12420/2019 & WP/1150/2021 & for Petitioner in WP/1988/2024, & CP/1471/2021.

Mr. Deepak L. Pant husband & Madhurima D. Pant wife present in the Court.

CORAM : RAJESH S. PATIL, J.

DATED : 04 APRIL 2024

P.C.:

1. This writ petition no.12421 of 2019 is filed by the wife challenging the order dated 5 July 2019, as regards to travel plan of the children of the petitioner and respondent outside the jurisdiction of this Court.

2. Today a submission is made on behalf of the wife that daughter who is a major by age, is already in USA for studying purpose. She submits that as regards the son there are travelling plans of wife and minor son to the USA and Canada during the upcoming summer holidays for a period from 15 June 2024 to 28 July 2024. The itinerary in that regard is furnished to this Court and to respondent's advocate in the Court today.

3. This Court hence, directs the applicant/wife to file an interim application as regards the itinerary regarding Summer Vacation, to be filed on or before 12 April 2024, and serve a copy of the same to the advocate appearing for the respondent. A Reply, if any, to the said proposed application can be filed by the respondent husband by 16 April 2024 and a copy of the same can be served on the advocate appearing for the wife. Rejoinder, if any, can be filed on or before 18 April 2024.

4. The writ petition no.12421 of 2019 along with the proposed interim application be placed on board on 19 April 2024.

5. The writ petition no.1988 of 2024 is filed by the husband challenging the impugned order dated 22 January 2024 passed by the Family Court at Mumbai wherein the application exhibit 129 filed by the wife was dismissed.

6. The operative part of the order dated 22 January 2024 reads as under :-

1. Application is partly allowed.

2. The respondent is hereby directed to cooperate with the petitioner in completing on requisite processes and procedures for the minor child Ayush's passport renewal, including signing all relevant documents and forms and remaining present at the concerned office of the passport authorities, as per the requirements of the procedure for renewal of the passport, within one month from the date of this order.

3. The petitioner is directed to deposit the passport of minor son, Ayush in this court immediately after its renewal.

4. The respondent shall bear the 50% of actual expenses of the renewal of the passport of minor son, Ayush.

5. No order as to costs.

7. Thereafter, the wife filed an undertaking dated 9 February 2024 before the Family Court at Bandra. For ease of reference the said undertaking of wife dated 9 February 2024 is scanned and reproduced herein below :-

Adm. Bhaada
15/14

IN THE FAMILY COURT AT BANDRA, MUMBAI
INTERIM APPLICATION No. 10 OF 2024
IN
M. J. PETITION NO. A-1790 OF 2016

MADHURIMA PANT

...PETITIONER

VS.

DEEPAK PANT

...RESPONDENT

I, Madhurima Pant, the Petitioner abovenamed, adult, Indian inhabitant Hindu, residing at B-1104 Oberoi Woods, Off Western Expressway, Goregaon East, Mumbai 400 063 state as under:

1. I say that I had preferred the captioned application for renewal of the minor son Ayush's USA passport which expired on 21.05.2022 being Exhibit 126.
2. I further say that I have filed Writ Petition No. 12420 of 2019 before the Hon'ble Bombay High Court challenging the order dated 11.11.2019 of this Hon'ble Court directing me to deposit Anshita's (now an adult) and Ayush's passports with this Hon'ble Court.
3. I have also filed Writ Petition No. 12421 of 2019 before the Hon'ble High Court challenging order dated 05.07.2019 of this Hon'ble Court directing me to give an undertaking that I shall not take the children out of the jurisdiction without



leave of this Hon'ble Court. Both these Writ Petitions are pending adjudication before the Hon'ble High Court.

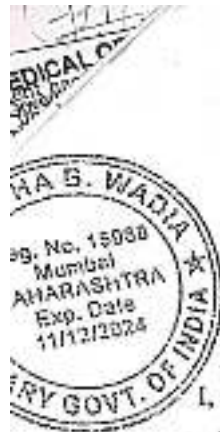
4. In any case, since the passing of the order dated 05.07.2019 by this Hon'ble Court, I have travelled with Anahit and Ayush out of the jurisdiction of this Hon'ble Court only after seeking permission for the same either from this Hon'ble Court or the Hon'ble Bombay High Court which is also seized of the matter due to the Writs filed before it.

5. On 02.11.2023, vide Purshis at Exhibit 172, I have recorded my willingness to deposit the minor son Ayush's passport before this Hon'ble Court after renewal of the same in the event my application for renewal was allowed.

6. Vide order dated 22.01.2024, this Hon'ble Court has now allowed my application for renewal of Ayush's passport. In view of the same, without prejudice to my rights and contentions in the said Writ Petitions, I say that I am filing this undertaking before this Hon'ble Court to record that I shall strictly comply and abide by the order passed by this Hon'ble Court dated 22.01.2024 with respect to deposit of Ayush's passport before the Hon'ble Court after the same is renewed. I reiterate that I undertake to deposit Ayush's USA passport (after it is renewed) before this Hon'ble Court.



7. I further say that as I have been doing in the past till date, I shall continue to seek permission of the Hon'ble Court before travelling with Ayush out of its jurisdiction.



Mumbai
 09th February 2024

Madhurima Pant
 Madhurima Pant
 Petitioner

VERIFICATION

I, Madhurima Pant, the Petitioner abovenamed do hereby state that whatever is stated in this undertaking is true and correct to the best of my knowledge and belief and I believe the same to be true.

Mumbai
 This 09th day of February 2024

Madhurima Pant
 Madhurima Pant

PETITIONER

Identified by me,

F. D. Daruwala
 Advocate for the Petitioner

Firoza Daruwala

NS Wadia
NATASHA B. WADIA
 ADVOCATE & NOTARY GOVT. OF INDIA
 ELS L.E. Reg. No. 15938
 619, Parsi Colony,
 Dadar, Mumbai-400 014.

Before me,

NOTED & REGISTERED
 Sr. No. 802 Page No. 153
 Date: 09.02.2024



8. Soon thereafter on 15 February 2024 this writ petition along with connected Petitions were heard by this Court and workable order was passed by this Court, without prejudice to the rights and contentions of the parties. The said order dated 15 February 2024 passed by this Court is reproduced herein below :-

“Writ Petition No. 1988 of 2024 is filed by the husband challenging the impugned order dated 22 January, 2024 passed by the Family Court, Mumbai, thereby disposing of application Ex.129.

2. The said application Ex.129 is filed by the wife.

3. After the matter was argued for some time, both the parties without prejudice to their rights and contentions, agree that the said order can be retained with an addition of a paragraph.

4. The said paragraph would be inserted in the order as paragraph no.2A.

2A. The Passport Office/U.S. Consulate is directed to transmit the passport duly renewed to the Registrar (Judicial) of this Court after giving intimation to the Applicant/wife as well as the Appellant/husband. The Registrar (Judicial) of this Court to keep the said passport in safe custody and shall not part with the said passport without prior Order of this Court.

5. Rest of the order dated 22 January, 2024 is unaltered.

6. Ms.Daruwala, learned counsel appearing for the wife submits that the U.S. Consulate has fixed the next date for appointment of renewal of the passport of the son name Ayush on 5 March, 2024. She submits that all the formalities is required for the said purpose is required to be completed by the husband atleast one week before the said date of 5 March, 2024.

7. The order passed today should be communicated by both the learned counsel to the U.S.Consulate as expeditiously as possible.

8. All the above matters to come up on board for hearing on 1 March, 2024.”

9. Today both the parties agree that the daughter has now

become major and studying in the USA. As regards the son after the passing of the order dated 15 February 2024 by this Court, the passport of the son has been renewed and the same as of today is lying with the Judicial-I of this Court.

10. Both the petitioner and respondent who are the parents of minor child Ayush are considered the future of their son and as the son is now aged 13 years and 7 months and since the maternal grandparents of the Ayush are residing at Ahmedabad and paternal grant parents are residing at Haldwani, Uttarakhand. Ayush would at some time be required or be interested in travelling to home of his grandparents Ahmedabad and Uttarkhand. So also, being 13 years and 7 months he might be required to travel outside Bombay for school trips/fields trip. For all this purpose he might be required every time to come to this court or the Family Court hence, both the parents feel it it proper that if Ayush wants to travel anywhere within the territorial of this country, no such permission would require from the Family Court or from this Court. However, it will be essential that if such travel is planned at least before the two working days intimation by an email be sent to the husband at his email address. That will

Suffice the purpose as for the husband is concerned.

11. It is made clear that the above orders was passed taking into consideration that Ayush would like to travel outside Mumbai only for the purpose of visiting his grandparents, relatives or else for field trips or only for purpose of vacation. However, this order does not give any kind of permission for Ayush's mother in whose, custody, he is as of today; to shift Ayush permanently outside the city of Mumbai.

12. In view of the order passed above, the Writ petition No.1988 of 2024 is disposed of. In sequel, Interim Applications, if any are also disposed of .

(RAJESH S. PATIL, J.)