

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 457 OF 2024

Safira Asif Shaikh

... Petitioner

Versus

Aamir Zakir Shaikh and Ors.

... Respondents

ASHVINI
BAPPASAHEB
KAKDE

Mr. Neeraj Pandey for the Petitioner.

Mr. Mohsin Khan a/w. Mr. Babu Siongh for Respondent No.1.

Ms. Shruti D. Vyas, Addl. G. P. a/w. Ms. P. N. Diwan, AGP for State.

Mr. Mohamedali M. Chunawala for Respondent No.3.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 29th FEBRUARY, 2024

P.C.

1. These proceedings were heard by us earlier almost on four occasions. On 28th February 2024, the Petitioner and Respondent No.1 had fairly agreed that they would amicably resolve the disputes. Discussions were held between these parties and their Advocates. The Petitioner and Respondent No.1 have accordingly amicably settled their disputes in terms of the "Consent Terms" which are signed by the Petitioner and Respondent No.1 and their respective Advocates, and tendered by the Advocates for the parties. In the Consent Terms, parties have agreed that the Petitioner shall be the legal guardian of her

minor son Master Adbullah. They have also agreed to access being provided to Respondent No.1-Father.

2. Both the parties are present before us. They confirm what has been set out in the Consent Terms and that they shall abide by the terms and conditions as set out therein, without any further confrontation in respect of any of the issues which are the subject matter of the Consent Terms, more particularly as the Petitioner and Respondent No.1 after their “Talaq” have remarried and are leading their independent lives.

3. We, accordingly, take the Consent Terms on record and mark them as “X” for identification.

4. In so far as paragraph Nos.8 and 9 of the Consent Terms are concerned, we direct the learned Additional District Judge, Vasai, to appoint an appropriate officer to be the observer, initially for a period of six months, in regard to the access as agreed between the parties. The officer shall keep a record of such access and meetings, so that when ever an occasion arises the same can be placed before the appropriate Court. The Report of the observer shall also be initialled by both parties. As and by way of the expenses/charges of the observer are concerned, an amount of Rs. 15,000/- be deposited by the Respondent No.1 (husband) in the Office of the District Court of Vasai, which be paid to the observer to be appointed by the learned Additional District Judge.

5. Needless to observe that, whenever access is provided outside the premises of the Petitioner, the Petitioner shall also accompany the child.
6. We appreciate the efforts taken by Ms. Vyas, Additional Government Pleader, as also Mr. Chunawala, learned Counsel, in bringing out the settlement between the parties.
7. Petition stands disposed of in the above terms.
8. Parties to act on an authenticated copy of the Order.
9. Certified copy expedited.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)