

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

**INTERIM APPLICATION NO.1318 OF 2024
IN
FAMILY COURT APPEAL NO.18 OF 2024**

**WITH
INTERIM APPLICATION NO.1317 OF 2024
IN
FAMILY COURT APPEAL NO.18 OF 2024**

Sou. Kalyani S. Shirsagar .. Applicant

Versus

Shri Santosh N. Shirsagar .. Respondent

Mr.Nikhil Pujari, Advocates for the Applicant-wife.

Mr.Surin Usgaonkar, Advocates for the Respondent-husband.

Mr.Santosh Kshirsagar, Respondent-husband is present in Court.

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE: AUGUST 23, 2024

P. C.

1. Initially, by our order dated 26th April 2024 we had directed that until the above Interim Application No.1318 of 2024 is heard and decided, on

every Saturday, the Respondent-husband will give access of the daughter Ananya to the Appellant-wife for six hours.

2. Thereafter, on 12th July, 2024 we were happy to note that both, the Appellant-wife and the Respondent-husband, have put aside their differences and have put the child Ananya first. Keeping the child in mind, they both agreed that the Appellant-wife can have overnight access for the child Ananya. In other words, it was agreed that the child Ananya can be fetched from her school by the Appellant-wife on Saturday after school hours, namely, at around 3.10 to 3.15 p.m. and be with the child till Sunday evening 6.p.m., when the Respondent-husband would go and fetch the child Ananya from the residence of the Appellant-wife. This arrangement has continued till date.

3. Today, when the above Interim Application No.1318 of 2024 is called out, the learned counsel appearing on behalf of the Appellant-wife has requested that the Appellant-wife be granted access not only from every Saturday, but from Friday evening after school hours. The learned counsel appearing on behalf of the Respondent-husband, on taking instructions, has fairly stated that the Respondent-husband has no objection if the Appellant-wife fetches the child Ananya from school on Friday evening after school

hours, and takes the child with her to her house. However, the Appellant-wife should make sure that the child attends the school on Saturday, as well as extra classes, if any. The learned counsel for the Respondent-husband has further stated that the Respondent-husband shall fetch the child from the residence of the Appellant-wife on Sunday at 5.00 p.m.

4. The learned counsel for the Appellant-wife has assured the Court that the Appellant-wife shall ensure that the child shall attend the school on every Saturday [unless it is the holiday] and the husband can come and fetch the child from the residence of the Appellant-wife at 5.00 p.m. on every Sunday.

5. In light of the aforesaid consensus between the parties, we direct that the Appellant-wife shall fetch the child Ananya from her school on every Friday, after the school hours, namely around 5.30 p.m., and be with the child till Sunday evening 5.00 p.m. The Respondent-husband shall fetch the child Ananya from the residence of the Appellant-wife at 5.00 p.m. on every Sunday. We are also informed that the child has school on every Saturday, and which finishes around 3.10 p.m. to 3.15 p.m. In these circumstances, the Appellant shall ensure that the child Ananya attends the school on every Saturday (unless it is holiday), and thereafter pick up the said child from

school and take her back to her residence. If the child has any extra classes, the Appellant shall ensure that the child will attend those also. We may hasten to clarify that if for any reason the Appellant-wife is unable to fetch the child Ananya from school on any Friday, she shall give prior intimation of the same to the Respondent-husband who shall make arrangements to have the child fetched from school and dropped to the residence of the Appellant-wife.

6. The parties have agreed that Interim Application No.1318 of 2024 seeking custody of the child can be disposed of in terms of this order but without prejudice to the rights of the Appellant to finally seek custody of the child Ananya as and when the above Appeal is heard. The same is duly noted. In view of the aforesaid stand of the parties, Interim Application No.1318 of 2024 is disposed of in the aforesaid terms. However, there shall be no order as to costs.

7. In light of the order passed in Interim Application No.1318 of 2024, nothing survives in Interim Application No.1317 of 2024 and the same is disposed of accordingly.

8. Place the above Family Court Appeal for admission on 27th September, 2024.

9. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]