

Vina Khadpe
(P.S.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5415 OF 2024

Beenal Dev Doshi

.. Petitioner

Versus

Dev Deepak Doshi

.. Respondent

.....

- Mr. Bhavin Gada a/w Mr. Anuj Jhaveri i/b. Mahimtura & Co. for the Petitioner.
- Mrs. Taubon F. Irani a/w Ms. Moksha Kothari for the Respondent.

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CORAM : FIRDOSH P. POONIWALA, J.

DATE : 22 NOVEMBER, 2024

P.C.:

1. This Petition challenges the order dated 15th January, 2024 passed by the Family Court at Bandra in Petition No.A-1340 of 2022 whereby the husband was permitted to have access to the child on every Saturday and Sunday between 9.00 am to 11.00 am in Park Garden of building Highland Park, Andheri where the Respondent – mother resides.

2. In this Petition, an order dated 22nd October, 2024 has been passed whereby the parties had agreed that the Respondent – husband will be permitted to meet the child on every Saturday from 11.00 am to 7.30 pm. It was also agreed between the parties that the Respondent shall pick up the child on every Saturday at 11.00 am from the entry gate of the Petitioner's residential building at Andheri. The Respondent had agreed that he shall drop back the child at the same

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place latest by 7.30 pm on the same day. The order contained certain other conditions in respect of access to the child. The said order is set out herein under :-

“1. Learned counsels for the parties on instructions submit that they have exchanged their offers for an amicable settlement. They are hopeful that the parties will agree to resolve the dispute. In the meantime, the parties agree that the respondent will be permitted to meet the child on every Saturday from 11:00 am to 7:30 pm. It is agreed between the parties that the respondent shall pick up the child on every Saturday at 11:00 am from the entry gate of the petitioner’s residential building at Andheri. The respondent has agreed that he shall drop back the child at the same place latest by 7:30 pm on the same day. On the Diwali day i.e. on 1st November 2024 parties have agreed that the petitioner will pick up the child at 11:00 am and drop the child back at 5:00 pm at the same place.

2. It is further stated that the parties agreed that the child would be accompanied by his Nanny. The aforesaid arrangement shall continue till the next date. It is clarified that if any of the parties take video recordings or takes photographs with the child, the same will not be used by the parties in the litigation.

3. It is clarified that both the parties shall not tutor the child’s mind against each other and they will not discuss anything about the litigation with the child or in the presence of the child. It is further clarified that since the parties are making an attempt to amicably resolve the dispute, the parties and their family members should not make any allegations against each other.

4. Stand over to 19th November 2024. To be listed under the caption for 'settlement'."

3. The parties are now agreeable that the Petition can be disposed of in terms of the said order dated 22nd October, 2024.

4. Accordingly, the impugned order stands modified by the order dated 22nd October, 2024, which shall be an interim order for access of the child.

5. Further, the order dated 22nd October, 2024 records that the learned counsel for the parties, on instructions, submitted that they have exchanged their offers for an amicable settlement. It is pointed out by Miss. Irani, appearing on behalf of the Respondent, that no such amicable settlement is possible.

6. It is clarified that the arrangement contained in the order dated 22nd October, 2024 is without prejudice to the Application filed before the Family Court by the husband for enhancing the access of the child.

7. Writ Petition is disposed of in the above terms. There shall be no order as to costs.