

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13050 OF 2024

Namrata Deepak Gaikwad (Vadar) ...Petitioner

versus

Deepak Hanmant Gaikwad (Vadar) ...Respondent

WITH

WRIT PETITION NO.1520 OF 2020

Deepak Hanmant Gaikwad (Vadar) ...Petitioner

versus

Namrata Deepak Gaikwad (Vadar) ...Respondent

Mr. Vijay Killedar, for the Petitioner in WP/13050/2024 & Respondent in WP/1520/2024.

Mr. Anand S. Patil, for the Petitioner in WP/1520/2024 & Respondent in WP/13050/2024.

Ms. Namrata Deepak Gaikwad (Through V.C.) present.

Mr. Deepak Hanmant Gaikwad (Through V.C.) present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 28 FEBRUARY 2025

P.C.:

1. Writ Petition No.13050 of 2024 is filed by the Petitioner -wife and Writ Petition No.1520 of 2024 is filed by the Husband.

2. In both the Writ Petitions the challenge is to the Order dated 27th December 2023 passed by the learned Judge, Family Court, Sangli below Exhibit-10 and 43 in Petition A. No.535 of 2022. By the impugned Order, interim custody of younger minor daughter has been granted to the wife, however, as far as the elder daughter is concerned the same is refused. The age of younger minor daughter is 4 years 9 months and the age of the elder daughter is 6 years 4 months.

3. As noted hereinabove as the learned Judge, Family Court, has refused to grant interim custody of the elder minor daughter to the mother, to that extent mother has challenged the said order. As far as father is concerned he has challenged the said order by which interim custody of younger minor daughter has been granted to the wife.

4. After arguing the matter for some time, Mr. Patil, learned Counsel appearing for the Petitioner on instructions of the Petitioner - Deepak Hanmant Gaikwad (who is personally present in Court through 'Video Conference'), states that interim custody of both daughters be granted to the mother. He states that presently both the daughters are at Bangalore and studying in School at Bangalore and as soon as end of their academic year the interim custody will be handed over to the wife.

5. Mr. Patil, learned Counsel appearing for the Petitioner – Father states that however, during vacation the interim custody be again handed over to the father for the period of vacation. The Petitioner - Namrata Deepak Gaikwad (who is personally present in Court through 'Video Conference') has no objection for the same.

6. Accordingly, by consent of the parties following order is passed :-

(i). The Order dated 27th December 2023 passed by the learned Judge, Family Court, Sangli below Exhibit-10 and 43 in Petition A. No.535 of 2022 is modified as follows:-

a. The wife – mother is entitled to the interim

custody of daughter – Drishya (age 4 years and 9 months) and daughter – Sanvi @ Dhriti (age 6 years and 4 months). After completion of Academic Year of daughters, father – Deepak Hanmant Gaikwad, to handover custody of the daughters to the mother – Namrata Deepak Gaikwad at Sangli. Both the daughters to stay with the mother at Sangli.

b. For facilitating admissions in School i.e. Cambridge International School, Sangli the daughters will be brought to Sangli as per the School Schedule and the requirement of the School.

c. During all long School holidays, the daughters will be with the father and his family. The father will pick up the daughters from Sangli and drop them well in advance before start of School at the residence of the mother at Sangli. The mother shall hand over interim custody to the father immediately start of the vacation.

d. The father and his family members shall have visitation rights over video call on a daily basis and in-person whenever requested by the father and his parents when they come to Sangli to meet

daughters. In such a situation during weekend holidays interim custody of the daughters shall be handed over to father and daughters shall be allowed to stay with him for weekend holidays.

7. Both Writ Petitions are disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]