

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16779 OF 2024

Mallika Bhushan Singh

...Petitioner

Versus

Sheetal Sanjay Singh & Anr.

...Respondents

WITH
INTERIM APPLICATION NO.16200 OF 2024
IN
WRIT PETITION NO.16779 OF 2024

Mallika Bhushan Singh

...Applicant

IN THE MATTER BETWEEN:

Mallika Bhushan Singh

...Petitioner

Versus

Sheetal Sanjay Singh & Anr.

...Respondents

Mr. Bharat Manghani a/w Drushti Gala i/b Ranjna Lad, for the Petitioner.

Ms. Manjula Rao, Senior Advocate a/w Rohan Deshmukh, Rohit Patil & Latika Chitre i/b Racheeta R. Dhuru, for the Respondent No.1.

Ms. Kavita N. Solunke, AGP, for the Respondent No.2 – State.

CORAM: MADHAV J. JAMDAR, J.
DATED: 24 JANUARY 2025

P.C.:

1. Heard Mr. Bharat Manghani, learned Counsel for the Petitioner, Ms. Manjula Rao, learned Senior Counsel for the Respondent No.1 and Ms. Solunke, learned AGP for the Respondent No.2 – State.

2. The challenge in this Writ Petition filed under Article 227 of the Constitution of India is to the Order dated 11th November 2024 passed by the learned Judge, Family Court, Mumbai below Exhibit – 7 and Exhibit – 14 Applications in Petition No. D-87 of 2024 in Interim Application No.123 of 2024 (“impugned Order”). The operative part of the impugned Order reads as under:-

“ORDER

1. *Applications are partly allowed.*
2. *The petitioner is directed to handover the interim custody of minor daughter Advika Sanjay Singh age 7 years to the respondent on 16th November 2024 before Marriage Counsellor in between 4.00 p.m. to 5.30 p.m.*
3. *All other previous orders passed by this Court, if any in regard to the visitation and access shall be merged in this order and this order shall prevail over all the previous orders of this Court.*
4. *The interim custody of minor daughter Advika Sajay Sing is kept with the respondent-mother till further order; subject to grant of visitation rights to the petitioner-grandmother.*
5. *The petitioner and the elder daughter Ansheeka shall have physical access or visitation right of minor younger child Advika with prior intimation to the respondent.*
6. *The respondent is directed to not to remove the minor child from the present school and shall not take admission in any other school without prior permission of this Court.*
7. *The petitioner is directed to bring the child on 16.11.2024 at 4.00 p.m. before Marriage Counsellor of this court.*
8. *Neither petitioner nor respondent shall remove the child out India with the minor child without prior permission of this Court.*
9. *Parties are directed to deposit original passport of both*

daughters, if any, in the Court on 16.11.2024 and in that event Nazir to keep the original passport in safe custody, till further order.

- 10. The petitioner and respondent are at liberty to decide the birthday plan of minor daughters which are in their respective custody with the help of marriage counsellor; if they desire.*
- 11. The respondent shall give telephonic or video call access of the minor child Advika to the petitioner on every Saturday and Sunday in between 7.30 p.m. to 9.00 p.m.*
- 12. The parties are directed to see that their conduct shall not affects on the minor during the access period, in any manner.*
- 13. The custody of the elder daughter Ansheeka Sanjay Sing will be retained with the petitioner till further order.*
- 14. The respondent shall bear all educational and other expenses of the younger daughter Advika Sanjay Singh from the day of accepting her physical custody.*
- 15. Both parties are directed to co-operate each other for handing over the peaceful interim custody of minor daughter Advika Sanjay Singh.*
- 16. No order as to costs.”*

3. After arguing the matter for some time, Mr. Bharat Manghani, learned Counsel for the Petitioner and Ms. Manjula Rao, learned Senior Counsel for the Respondent No.1 submitted that as far as the dispute concerning the impugned Order, the parties have settled the dispute amicably and filing the Consent Terms.

4. The Consent Terms are signed by the Petitioner, Respondent No.1 and also their respective Advocates. The Advocates of the Petitioner and the Respondent No.1 identify the signatures of the Petitioner and the Respondent No.1 respectively. Both, the Petitioner and the Respondent

No.1 are personally present in Court and state that the dispute as regards the impugned Order, is settled in terms of the Consent Terms. Accordingly, the Consent Terms are taken on record and marked 'X' for identification. The said Consent Terms read as under :-

“CONSENT TERMS

- 1) *This Consent terms is made by and between Mrs. Mallika Bhushan Singh the Petitioner abovenamed and Mrs. Sheetal Sanjay Singh the Respondent abovenamed.*
- 2) *Whereas the Petitioner has agreed to hand over the interim custody of the minor child Advika Sanjay Singh to the Respondent on following terms and conditions which are mutually agreed upon by the parties before the Hon'ble Court and which are as follows:*
 - a. *That the Respondent shall at her own expenses manage the accommodation in the vicinity of the school of the minor children Advika Sanjay Singh and Ansheka Sanjay Singh and shall reside with the minor child Advika Sanjay Singh in the said accommodation only.*
 - b. *That the Petitioner as well as the Respondent shall strictly adhere to the terms and conditions as imposed by the Hon'ble 4th Family Court at Bandra, Mumbai vide order dated 11/11/024 passed under Exhibit 7 and 14 in Petition No. D - 87 of 2024 more specifically being paragraphs nos. 1 to 15 of the pages 19 and 20 of the said order.*
 - c. *That the Petitioner shall hand over the physical custody of the minor child Advika Sanjay Singh to the Respondent on 24/01/2024 after school in the premises with all her school books, uniform and other personal belongings.*
- 3) *The Petitioner and the Respondent have read the Consent Terms, understood the same and signed the consent terms voluntarily without any force or undue*

influence on them.”

5. The only modification in the Order passed by the learned Family Court is in Clause No.7. The parties have also agreed in addition to the terms and conditions imposed by the learned Family Court one more condition which is set out in Clause No.2(a) of the Consent Terms.

6. Accordingly, the Writ Petition is disposed of in terms of the Consent Terms.

7. In view of disposal of the Writ Petition, nothing survives in the Interim Application and the same is also disposed of.

8. It is clarified that as far as the other issues between the parties, this Court has not considered the same and all contentions on merits with respect to those issues are expressly kept open.

9. This Court places on record its appreciation for the assistance rendered by Mr. Bharat Manghani, learned Counsel for the Petitioner and Ms. Manjula Rao, learned Senior Counsel for the Respondent No.1.

[MADHAV J. JAMDAR, J.]