IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5713 OF 2025

Abhishek Chavan …Petitioner

Versus

Gauri Abhishek Chavan …Respondent

Mr. R. T. Lalwani a/w. Ms. Sadhna Jaykar, Mr. J. K. Shah, Ms. Namrata Thakur and Ms. Pooja Shah i/b. R.J. Law, for the Petitioner.

Mr. A. M. Kulkarni a/w. Mr. Akshay A. Kulkarni, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATED : 6th MAY 2025

P. C.:

1. Heard Mr. Lalwani, learned Counsel appearing for the Petitioner and Mr. Kulkarni, learned Counsel appearing for the Respondent.

2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the order dated 12th March 2025 passed by the learned Judge, Family Court No.5, Mumbai below Exhibit-192 in Petition No.A-250 of 2020. The

operative part of the said order is at pages 37 and 38, which reads as under:

*"**O R D E R***

1. Application is allowed with following direction.

A)Respondent-wife is permitted to take the minor child Ruhi from India to Portugal as per itinerary, from 16.05.2025 to 25.05.2025.

B) She is further directed that she shall give all details and contact with place of address, travel tickets and residential details where she is residing with minors in Portugal.

C) During such period, respondent-wife shall give Video access of minor to petitioner-husband on Monday, Wednesday and Friday in between 7:00 to 7:30 in the evening as per Portugal time zone.

D) Respondent-wife is hereby further directed that she shall give undertaking that she will bring the minor within jurisdiction of this court after completion of above period.

E) Respondent-wife is hereby directed that she shall give undertaking that before proceeding on International Tour she shall give physical custody of minor from 01.05.2025 to 14.05.2025 and thereafter returning from International Tour she will handover custody of minor for half of the vacation period in remaining portion of vacation with petitioner-husband.

2. Already the passport is released to respondent-wife hence on completion of such travel period, respondent-wife is hereby directed that she shall deposit the passport immediately in this court as per order Exh.83.

Accordingly this application is disposed of."

3. This matter was heard for some time on earlier date.

4. Mr. Kulkarni, learned Counsel appearing for the Respondent, on the instructions, stated that although in the impugned order it is stated that the Respondent-Wife is permitted to take the minor child-Ruhi from India to Portugal as per itinerary from 16th May 2025 to 25th May 2025, however, now the Respondent-Wife will be visiting Vietnam with her minor daughter-Ruhi for a period between 15th May 2025 to 25th May 2025 along with her parents i.e. Ruhi's maternal grandparents.

5. Mr. Kulkarni, learned Counsel tenders an undertaking dated 6th May 2025 of the Respondent. The said undertaking reads as under:

> *" **UNDERTAKING***
>
> *I, Dr. Gauri Abhishek Chavan, Age: 41 years, Occ. Medical Profession, R/o. Flat No. 26, Udayanajali, 7th Floor, Shahji Raje Marg, Near Agarwal Eye Clinic, Vile Parle (East), Mumbai – 400057, the Respondent abovenamed do hereby undertake to this Hon'ble that;*
>
> *1. I shall furnish the security in respect of the international trip of the minor daughter Ruhi to Vietnam in the form of bank guarantee to the tune of Rs. 10,00,000/- (Rupees Ten Lakhs Only) in the*

name of the Ld. Registrar (Judicial-I), Bombay High Court, Mumbai on/or before 13.05.2025.

2. I further undertake that I shall not apply for VISA of the minor daughter Ruhi except for her travel to Vietnam for a period between 15.05.2025 to 25.05.2025 along with me and my parents i.e. Ruhi's maternal grandparents.

3. I am also attaching herewith all the details like itinerary, travel tickets, address of the place of stay, contact details thereof etc. The copy of itinerary and said details are annexed herewith and marked as ***Annexure-I****.*

4. I further undertake that I shall bring the daughter back to the jurisdiction of the Ld. Family Court Mumbai at Bandra after completion of the trip to Vietnam.

5. I further state that the Petitioner husband is already having vacation access of the daughter from 30.04.2025 to 14.05.2025. I further undertake that after returning from the trip, I will give vacation access of the daughter for remaining half vacation to the Petitioner Husband, as agreed by both of us mutually, via emails.

6. I further undertake that I shall deposit the passport immediately with the Ld. Family Court at Bandra after completion of the trip to Vietnam.

Whatever I have stated hereinabove is as and by way of undertaking to this Hon'ble Court and I shall abide by the same".

6. The undertaking given by the Respondent-Wife is accepted.

7. Accordingly, the order dated 12th March 2025 passed by the learned Judge, Family Court, Mumbai is confirmed subject to modifications contained in the undertaking as follows:-

i. The Respondent-Wife is permitted to take the minor child from India to Vietnam as per itinerary from 15th May 2025 to 25th May 2025.

ii. The Respondent-Wife shall give bank guarantee to the tune of Rs.10,00,000/- in the name of learned Registrar (Judicial-I) on or before 13th May 2025 and after returning from the said Vietnam trip, vacation access of the daughter for remaining half vacation shall be given to the Petitioner-Husband.

iii. The Respondent-Wife shall deposit her Passport immediately with the learned Family Court, Bandra, Mumbai after completion of the said trip of Vietnam.

8. Accordingly, the order dated 12th March 2025 passed by the learned Judge, Family Court No.5, Mumbai stands modified to the

extent of the statements, which are set out in the undertaking dated 6th May 2025 of the Respondent-Wife.

9. Mr. Lalwani, learned Counsel appearing for the Petitioner points out order dated 16th December 2022 passed by the learned Single Judge in Writ Petition No.9434 of 2022, by which the learned Judge of the Family Court was requested to decide the Divorce Petition filed by the Petitioner as early as possible. As the said Divorce Petition is of the year 2020, the concerned learned Judge of the Family Court, Mumbai is requested to decide the same on or before 31st May 2026.

10. Both the parties are directed to co-operate with the learned Judge of the Family Court for disposal of the said Petition in time bound manner.

11. Accordingly, the Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]

SONALI MILIND PATIL
Digitally signed by SONALI MILIND PATIL
Date: 2025.05.07 09:24:20 +0530