

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9514 OF 2025

Mrs. Anita Ashok Kadam alias Anita Ankit Chaudhary ...Petitioner

Versus

Mrs. Tulsa Ashok Kadam & Ors. ...Respondents

Mr. Raghavendra Mehrotra a/w Madhat Shaikh i/by Lawkhart Legal, Advocate for Petitioner.

Mr. Arjun Kadam i/by Sharda Pandey, Advocate for the Respondent Nos. 1 and 2.

Mr. Hamid Mulla, AGP for Respondent No.3- State

CORAM: MADHAV J. JAMDAR, J.

DATED : 14th August 2025

P.C.:

1. The challenge in this Writ Petition is to the Order dated 26th May 2025 passed by the learned 3rd Family Court Mumbai, in Petition No. D-32 of 2025 regarding access of child.

2. Mr. Raghvendra Mehrotra, learned Counsel appearing for the Petitioner and Mr. Arjun Kadam, learned Counsel appearing for Respondent Nos.1 and 2 state that parties have arrived at an interim arrangement during pendency of Petition No.D-32 of 2025 pending before the Family Court, Mumbai. Both of them tenders the Consent Terms. The Consent Terms are signed by the Petitioner,

who is personally present in the Court and also by her Advocate. Her Advocate identifies her signature. She states that the parties have arrived at an interim arrangement as maintained in the Consent Terms.

3. The Consent Terms are also signed by the Respondent Nos.1 and 2. Respondent No.2 is personally present in Court. The Consent Terms are also signed by learned Advocate appearing for Respondent Nos.1 and 2 and he identifies signatures of Respondent Nos. 1 and 2. Respondent No.2 who is personally present in Court states that the parties have arrived at an interim arrangement as reflected in the Consent Terms. He states that Respondent No. 1 is agreeable to the terms and therefore she signed the Consent Terms, however, as the Respondent No.1 is not well, she could not remain present in the Court.

4. Accordingly, the Consent Terms are taken on record and marked “X” for identification. The Consent Terms reads as under :-

“CONSENT TERMS

This Consent Terms is executed at Mumbai on this 14th day of August, 2025.

B E T W E E N

1. Mrs. ANITA ASHOK KADAM, aged 36 years, an adult Indian inhabitant, hereinafter referred to as the Party of the First Part .

A N D

2. Mrs. TULSA ASHOK KADAM, aged 65 years, and Mr. ABHIJEET KADAM, aged 34 years, both adult Indian inhabitants, hereinafter collectively referred to as the Parties of the Second Part.

WHEREAS:

1. The Party of the First Part is the biological mother of the minor child Abir, aged 9 years. The Party of the First Part is the Petitioner in the writ petition no. 9514 of 2025.

2. The Parties of the Second Part are the mother and brother of the Party of the First Part. The Parties of the Second Part are the Respondents in the writ petition no. 9514 of 2025.

3. The said child has been in the custody of the Parties of the Second Part since 30/12/2024, when the child was voluntarily placed with the Parties of the Second Part by the Party of the First Part.

4. The Party of the First Part has instituted proceedings bearing No. D-32 of 2025, before the Hon'ble Family Court at Bandra, seeking restoration of custody of the said child and, as an ad-interim relief therein sought regular access to the child.

5. The ad-interim order dated 26th May 2025, passed by the Learned Family Court, granting limited access, was challenged before the Hon'ble High Court at Bombay in the present matter.

6. In furtherance of the proceedings before the Hon'ble High Court at Bombay, and interaction by the Hon'ble High Court at Bombay, both parties have mutually interacted and decided to agree upon an ad-interim arrangement for access during the pendency of the passing of any interim order and/or final order by the Hon'ble Family Court at Bandra in the ongoing proceedings bearing Case No. D-32 of 2025, with the sole intention of enabling the Party of the First Part (the biological mother) to interact with the child for his welfare and well-being.

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES AS FOLLOWS:

a) The Party of the First Part shall be granted access to the child for a period of two (2) hours, from 5.00 p.m. to 7.00 p.m., every Sunday at Raghuleela Mall, Kandivali, Mumbai. The parties may by mutual consent, at a later stage in future and in any case upon culmination of monsoons in the year 2025, consider arranging the aforesaid exercise at any Children' Play Park or Garden in the vicinity of the residence of the Party of the Second Part on every alternate Sundays; instead of solely having the said exercise at Raghuleela Mall, Kandivali, Mumbai on every Sunday. The Parties of the Second Part shall ensure that the child is provided with a mobile phone for communication purposes only. In the event of a 5th Sunday occurring in any month, the Party of the First Part shall be granted access to the child for a period of two (2) hours, from 5.00 p.m. to 7.00 p.m., at Raghuleela Mega Mall, Kandivali (West), Mumbai. The Respondent No. 2 – Mr. Abhijit Kadam shall personally make necessary arrangements to drop the child at 5.00 p.m. at the aforesaid venue for the respective Sunday and shall receive the child from the Party of the First Part at 7.00 p.m. on the same day. The Party of the First Part shall be granted access to the child on every working Saturday at the Child complex at Family Court Bandra between 3.30pm to 5.00 pm, in accordance with the ad-interim order dated 26.05.2025 passed by the Learned Family Court at Bandra.

b) The Party of the First Part and the Parties of the Second Part undertake to adopt all necessary measures to ensure that the access arrangement under clause (a) is strictly adhered to in terms of the stipulated hours and days. The Respondent No. 2 – Mr. Abhijit Kadam shall maintain necessary physical distance and reasonable restraint, and shall not interfere with or interdict the interaction between the Party of the First Part and the child. For this purpose, the Respondent No. 2 shall not remain on the same floor of the meeting venue during the said interaction. The Respondent No. 1 – Mrs. Tulsa Kadam undertakes not to participate in, be present at, or in any manner interfere with the access arrangement under clause (a).

c) The aforesaid access period of two (2) hours on Sunday shall be gradually increased to three (3) hours and thereafter to four (4) hours and thereafter five (5) hours, depending on the comfort, well-being, and interest of the child.

d) The Party of the First Part shall also be granted video call access to the child for a duration of fifteen (15) to thirty (30) minutes through WhatsApp video conferencing, on every day between 9.00 p.m. and 9.30 p.m.

e) During the in-person access and the aforesaid video calls, neither the Parties of the Second Part nor the stepfather of the child shall be present, in order to ensure a conducive environment for the child.

f) The Party of the First Part shall be entitled to supervise the preparation of the child for the forthcoming and ongoing examinations through WhatsApp video conferencing. The Party of the First Part shall be entitled to superintend the preparations of the child for the ensuing and ongoing examinations through Whatsapp Video Conferencing for a period of one (1)

hour between 9.00 pm to 10.00 pm for every preceding Day of the date of examination as the Party of the First Part has been regularly overseeing the child's educational preparation. The Respondent No. 1 – Mrs. Tulsa Kadam undertakes not to participate in, be present at, or in any manner interfere with the said video conferencing sessions or physical visits, save and except where her presence is required for facilitating such interaction, and further undertakes not to cause any hindrance, obstruction, or interruption in the interaction between the Party of the First Part and the child during the said period.

g) Both the Parties shall not, in any manner whatsoever, influence, prejudice, or tutor the child against each other.

h) The Party of the First Part shall stand apprised and updated on and about the child's academic progress, performance, and curriculum of the child, including the examinations, events, gatherings and meetings organised by the school where the child is presently studying, by the Respondent No.2 on SMS or Whatsapp or by Telephonic conversations. By way of clarification, the parties hereto also undertake to give prior intimation to each other on SMS or Whatsapp or by Telephonic conversations before visiting the School of the child for any purpose whatsoever, including that for the examinations, events, gatherings, and meetings organized by the school. The Party of the First Part, along with one of the parties to the Second Part, shall be permitted to attend all school meetings, functions, and events concerning the child. The parties hereto undertake to refrain from indulging in any activity or communication which shall hamper or shall cause prejudice of any nature to the education of the child at the school where the child is presently studying.

i) The school application username and password, along with any other necessary login credentials, shall be shared by the Parties of the Second Part with the Party of the First Part to enable monitoring of the academic progress of the child. Both Parties agree not to change such login credentials without mutual consent, and any updated credentials shall be promptly shared with the Party of the First Part.

j) The Party of the First Part shall not discuss or make reference of the stepfather during her interactions with the child, whether in person, over calls/video, or by any other mode of communication.

7. The parties declare that these terms have been voluntarily agreed to, without any coercion, pressure, or undue influence, and solely in consideration of the welfare and best interests of the child.

8. These Consent Terms shall constitute an ad-interim and purely temporary arrangement for providing regular access to the child and shall remain in force until the passing of an appropriate interim order on the pending interim application and/or final order by the Hon'ble Family Court at Bandra in the ongoing proceedings bearing Case No. D-32 of 2025.

9. The parties undertake to strictly adhere to the terms set out herein.

10. The contents of these Consent Terms have been read over and explained in English and Marathi to both parties, who have understood the same and affixed their signatures in full agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set and subscribed their respective hands on the day, month, and year first hereinabove written."

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

BHALCHANDRA
GOPAL
DUSANE

(MADHAV J. JAMDAR, J.)

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
Date: 2025.08.18
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