

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.7424 OF 2025

IN

WRIT PETITION NO.12420 OF 2019

Madhurima Deepak Pant

...Applicant

Versus

Deepak Lalitrasad Pant

...Respondent

Ms. Firoza Daruwala a/w Prabha Badadare, for the Applicant.

Mr. Deepak Pant, Respondent, in person.

Ms. Madhurima Pant, Applicant, (Through VC), present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 7th MAY 2025

P.C.:

1. Heard Ms. Firoza Daruwala, learned Counsel appearing for the Applicant-Mother and Respondent-Father appears in person.

2. The relief which is sought in this Interim Application is as follows:-

b. that, this Hon'ble Court be pleased to direct the registry of this Hon'ble Court to release the USA passport of Ayush which is currently in the custody of the Registrar of this Hon'ble Court;

c. that, this Hon'ble Court be pleased to allow Ayush to travel to USA for period of 3 to 3.5 weeks from 30/05/2025 to 17/06/2025 in for a holiday to meet his sister.

3. At the outset learned Counsel appearing for the Applicant submitted that as office has not given the Applicant leave up to 22nd

June 2025, the Applicant will be returning back with child on 17th June 2025. Accordingly, leave to amend prayer clause (c) is granted. Amendment be carried out forthwith. Re-verification is dispensed with.

4. Ms. Daruwala, the learned Counsel appearing for the Applicant points out order dated 10th May 2024 passed by a learned Single Judge in Interim Application No.8099 of 2025. She states that the Applicant is ready to comply with terms and conditions as contained in said order dated 10th May 2024.

5. On the other hand Mr. Deepak Pant, Respondent who appears in person states that he has no objection if the Applicant is allowed to travel with the son, however, some safeguards are required to be provided.

6. Learned Counsel appearing for the Applicant, on instructions of the Applicant who is personally present in Court, states that during said period of 30th May 2025 to 17th June 2025, following will be complied with:-

- i) Twice a week video access will be allowed to the paternal parents and paternal uncle of "Ayush", at convenient timings during the summer vacation from 30/05/2025 to 17/06/2025.
- ii) Twice in a week an email update would be given by Applicant (wife) of Ayush's health during the period from 30/05/2025 to 17/06/2025.

- (iii) The Applicant wife herein has undertaken to this Court that she will not make any application to Ayush school (Oberoi International School) seeking his school leaving certificate till the end of June 2025 and even thereafter without consent of the Respondent.
- (iv) Respondent husband is permitted to furnish a copy of this order to the school authorities if desired.
- (v) The Applicant wife will tender on record by 09th May 2025 her employer's letter informing that she would be joining Abbott Healthcare Pvt. Ltd. in Mumbai, India office, immediately after returning from vacation, i.e. 17/06/2025
- (vi) Both the parties would not seek adjournment on any ground before Family Court/High Court until the Applicant returns from holiday.
- (vii) The Applicant wife would give details of travel plans of Ayush on or before 25th May 2025, which includes his accommodation city wise and also the details of hotels where he will be residing during the summer holidays from 30/05/2025 to 17/06/2025.
- (viii) The Applicant wife will hand over passport of her parents to the Registry of this Court on or by 25/05/2025. So also, she will hand over the

Manager's/Banker's cheque for a sum of Rs. 75,00,000/- to the Registry of this Court on or before 25/05/2025.

(ix) On handing over the passports of parents, and furnishing Manager's /Banker's cheque, the applicant wife will be allowed to withdraw the passport of son "Ayush". The said passport of "Ayush" would be returned after summer vacation on or before 22/06/2025 to the Registry of this Court. On the same day, she will be permitted to withdraw the passports of parents.

(x) The Manager's/Banker's cheque can also be withdrawn by her on or by 22/06/2025, once the applicant wife can show the proof of son "Ayush" has returned back to India, the Registry can immediately return the Manager's/Banker's cheque of Rs. 75,00,000/-

xi) In case, the parties have any difficulties as regards the summer vacation, they are free to approach the vacation Court.

(xii) The Respondent shall have compensatory access to Ayush on any day as mutually convenient to the Respondent and Ayush after his return from the summer holidays to USA, in lieu of the weekend of 31st May/1st June 2025 which he shall miss.

The above statement made by the Applicant are accepted

as undertakings given to the Court.

7. It is directed that in case son "Ayush" does not return to India latest by 22/06/2025, the Manager's/ Banker's cheque of Rs. 75,00,000/- which will be submitted by the applicant wife, can be encashed by the Registry of this court and the said amount to be handed over by the Registry to the Respondent -husband.

8. It is further directed that the applicant wife shall tender two undertakings, one of her parents and another of herself by Friday, 9th May 2025 along with a letter from her employer, Abott Healthcare Pvt. Ltd., to this Hon'ble Court. In case the same is not furnished by 9th May 2025, then the Applicant is permitted to furnish the same by 15th May 2025 and copy of the same be served by email on the Respondent.

9. Apart from the above statements which are made by the Applicant, Mr. Deepak Pant, Respondent who appears in person states that he be granted compensatory access of the son before 30th May 2025, in lieu of access on 31st May 2025 to 1st June 2025 which he would be missing. However, learned Counsel appearing for the Applicant, on instructions of the Applicant, states that although the exam of son is getting over on 22nd May 2025 thereafter also the son has to attend the school. She states that the said access of 31st May 2025 to 1st June 2025 will be compensated after the son returns back to Mumbai.

10. All the statements made by the Applicant are accepted as undertakings given to the Court. The Applicant is directed to file undertakings of her parents and her own undertaking along with a letter from her employer, Abott Health Care Pvt. Ltd. on or before 15th May 2025 in the registry, if not filed earlier. Copy of the same be served to the Respondent by email on or before 15th May 2025.

11. Accordingly, the Interim Application is disposed of in terms of prayer clauses (a) and (b), subject to above terms and conditions, with no order as to costs.

[MADHAV J. JAMDAR, J.]