

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.12 OF 2008  
WITH  
CIVIL APPLICATION NO.16 OF 2008

Uday Harilal Joshi .. Appellant.  
Vs.  
Yogesh B.Mehta .. Respondent.

Mrs.Subhada Gokhale i/b M/s.I.R.Joshi & Co. for the  
appellant.  
Mrs.Manjula Rao for the respondent.

CORAM : B.H.MARLAPALLE & D.B.BHOSALE, JJ.  
DATED : 24TH JULY, 2008.

PC:

. We have heard learned counsel for the parties after we met Drishti, the daughter of the respondent - Mr.Mehta, in our Chamber and in the presence of both the parties with prima aim to assist Drishti (a special child) to become a normal child as fast as possible. With consent of both the parties we direct the following arrangements for access and custody:

(a) Drishti will continue to study in the same school presently where she is admitted and that is a normal school (Swami Vivekanand International School) until further orders and during this academic year.

(b) The tuition arrangement as well as Speech

Therapy sessions as have been arranged by the petitioner for Drishti shall be maintained and as at present the tuition as well the speech therapy session will be at the place of the petitioner.

(c) On every Monday to Wednesday, if the father so desires, he is allowed to pick up Drishti from her school at 5.45 p.m. and escort her to the petitioner's house and without delaying the school bus, he may spent time with Drishti in the petitioner's house till the tuition session commence and even thereafter. The petitioner or any of his family members shall extend hospitality to the responent-father when he is spending time with Drishti at the petitioner's house, keeping in mind the bond of family relations. On every second and fourth Thursday the father will go to the school before 5.45 p.m. and escort Drishti to the petitioner's house and without delaying school bus, spent time with her, if he so desires, till 7.45 p.m. when she completes the tuition sessions. After 7.45 p.m. Drishti will go with him to stay with paternal grandparents and on the next day i.e. Friday morning around 11.00 a.m. Drishti will be reached to the petitioner's house so that she could take normal school bus and reach the school before 12.00 noon. At 5.45 p.m. on every second and fourth friday the father will go to the school and escort Drishti to reach the petitioner's

house and he will continue to be at the petitioner's house till 7.45 p.m. and thereafter Drishti will go with him to stay at his house. On Saturday i.e. the next day the father will bring Drishti to the petitioner's house at 9.00 a.m. for the speech therapy session and after 10.00 a.m. Drishti will go with him to his house. On Sunday at 5.00 p.m. the father will reach Drishti to the petitioner's house. This arrangement is confined to every second and fourth Thursday, Friday, Saturday and Sunday so that Drishti spends three nights with her father and other family members.

(d) During every vacation, Drishti will spend the first half of the vacation with her father and remaining half she will spend with the petitioner.

2. The above arrangement will be continued till 30th November, 2008 subject to review, if so required, probably in the first week of December, 2008. Hence stand over to 3rd December, 2008.

3. A copy of this order shall be handed over by the petitioner as well as the respondent-father to the school authorities so that they are aware that the father will be visiting the school to escort Drishti.

4. For the sake of clarifications we state that we have not gone into the merits of the respective contentions and the above arrangement has been made with prime objective of Drishti's welfare.

5. If the parties so wish that the appeal is listed before us on the next date, they are at liberty to approach the Hon'ble the Chief Justice for the appropriate orders.

(D.B.BHOSALE, J.)

(B.H.MARLAPALLE, J.)