

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/FIRST APPEAL NO. 4694 of 2023**

**With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2023
In R/FIRST APPEAL NO. 4694 of 2023**

=====

RAJENDRAKUMAR MOHANSINH PARMAR
Versus
KRISHNABEN RAJENDRAKUMAR PARMAR

=====

Appearance:
MR. HARDIK K CHOKSI(9964) for the Appellant(s) No. 1
MR PARTH B THUMMAR(13122) for the Defendant(s) No. 1
=====

CORAM: **HONOURABLE MR. JUSTICE BIREN VAISHNAV**
and
HONOURABLE MS. JUSTICE NISHA M. THAKORE
Date : 03/10/2024
ORAL ORDER
(PER : HONOURABLE MR. JUSTICE BIREN VAISHNAV)

This appeal pertains to custody of a child. The respondent mother- Krishnaben Rajendrakumar Parmar filed an application for the custody of minor sons Ayush and Vishvajit, which came to be numbered as Civil Miscellaneous Application No.11 of 2022. By an order dated 28.07.2023, the Principal Judge, Family Court, Godhra rejected the application of the respondent. However, the appellant-husband was ordered to give custody during Diwali vacation for five days and during summer vacation for 10 days every year till the minor sons attained the age of majority. This direction has aggrieved the husband. Hence, the appeal. The appeal has been heard on several occasions. It was sent for mediation too, however, unfortunately the situation remains unresolved. It is apparent from the order dated 11.3.2024 that this Court had also made an attempt to interact with the children and

interim orders have been passed. Today, when the matter is taken up for hearing, both the learned counsels request the Court that in light of the fact that there are conciliators available in the Family Court at Godhra, the Principal Judge, Family Court, Godhra be directed to appoint a conciliator so that the children can interact with the conciliator, who independently can ascertain the children's intention, interact with them so as to elicit some conciliatory response. Mr. Thummar, learned advocate for the respondent would submit that the conciliator should also explain to the children the value and importance of the mother in a family institution.

2. We request the Principal Judge, Family Court, Godhra to appoint a conciliator of a relatively senior standing so that he / she can interact with the children on the terms, as aforesaid. On the appointment of the conciliator by the Principal Judge, Family Court, Godhra, the appellant shall give a schedule to the conciliator so that the children can be made to interact with her or him, as the case may be. A copy of the order be sent by the Registry to the Principal Judge, Family Court, Godhra for necessary compliance.

3. Stand over to 22.11.2024. Direct service is permitted.

(BIREN VAISHNAV, J)

(NISHA M. THAKORE, J)

RATHOD KAUSHIKSINH