

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).8525/2010

(From the judgement and order dated 03/02/2010 in
of The HIGH COURT OF BOMBAY AT AURANGABAD)

FA No. 887/2009

VISHNU & ORS.

Petitioner(s)

VERSUS

JAYA

Respondent(s)

(With prayer for interim relief)

Date: 08/07/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. Sunil Upadhya,
For Mr. Sudhanshu S.Choudhari,Adv.

For Respondent(s) Mr. B.S. Rajesh Agrajit, Adv.
Ms. Jyoti Rana, adv.
For Mr. Sanjai Kumar Pathak,Adv.

UPON hearing counsel the Court made the following
O R D E R

On hearing counsel for the parties and after a brief interaction with the parties - in person and the two children, we are hopeful that the matter may be resolved through mediation in the hands of mature and sensitive mediators. We, accordingly, direct both the petitioner (Vishnu S/o Madhukar Phalak) and the respondent (Jaya) to appear before the Delhi High Court Mediation and Reconciliation Centre tomorrow, i.e. July 09, 2011.

The children are at present in the custody of their mother, the respondent. She will take the children along with her to the Mediation Centre, so that the Mediators may directly interact with the children, both privately and in presence of the two sides.

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In the facts of the case, it will be better if there are two mediators, one of them preferably a lady.

The mediators would go through the orders passed by the Trial Court and the High Court as well as the earlier orders passed by this Court in this case.

It will be open to Mediators to give temporary custody of the children to their father, the petitioner, or to give him suitable access to the children in order to facilitate the parties to come to an amicable settlement.

It is further made clear that the mediation shall not confine only to the custody of the children but shall take into its sweep all the dispute between the two sides and shall try to arrive at a comprehensive settlement of all the disputes between the petitioner and the respondent.

Since the parties are from outside Delhi, the Mediation may be held on a day-to-day basis so that a report (even an interim one) may be submitted to this Court before the case is next listed before the Bench.

Put up on July 19, 2011 at 3.45 p.m.

(Neetu Khajuria)
Sr.P.A.

(S.S.R. Krishna)
Court Master