

ITEM NO.301

COURT NO.11

SECTION IX

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 judgment and order dated 03/02/2010 in FA No.  
887/2009 of The HIGH COURT OF BOMBAY AT AURANGABAD)

VISHNU &amp; ORS.

Petitioner(s)

VERSUS

JAYA

Respondent(s)

(With prayer for interim relief )

Date: 07/12/2010      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. Sudhanshu S.Choudhari,Adv.

For Respondent(s)

Mr. B.S. Rajesh Agrajit, Adv.  
Mr. V.K. Ojha, Adv.  
Mr. Hitender, Adv.  
Ms. Jyoti, Adv.  
Mr. Sanjai Kumar Pathak,Adv.

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

The respondent is present in person along with  
the lawyer representing her.      The petitioner is also

2

present in person along with their children.

Despite our order dated 27.10.2010, the  
respondent was unable to take the children to stay  
with her for the Diwali vacation. In this regard both  
sides have their respective stories to tell. We,  
however, feel that no useful purpose will be served by  
entering into an inquiry as to who was primarily  
responsible for the children not going to live with  
their mother at Bhopal. We are more concerned about  
how to make it possible for the children to stay with  
the respondent-their mother at least for short  
intervals without in any way adversely affecting their  
studies.

Since the children are here, the respondent is  
allowed to keep them with her at Delhi.  
children will go with their mother-the

The two  
respondent

today from the Court itself and stay with her for the next five days. On December 12, 2010 by 11 A.M. she would bring them to the office of Mr. Sudhanshu S. Choudhary, counsel representing the petitioner in Chamber No. 52, Supreme Court Premises and hand them over to their father- the petitioner.

We are informed that Master Kunal Vishnu Phalak, the younger son is studying in Nutan Vidyalaya, Karnik Road, Kalyan and the elder son-Master Gaurav Vishnu Phalak is studying in Prathamik Vidyamandir, Karnik Road, Kalyan. The children will have their next long vacation in the summer which is likely to commence in the last week of April, 2011 and would go up to the middle of June, 2011. On May 2, 2011, their mother- the respondent shall come to the Court of Civil Judge, Junior Division, Jalgaon where the two children will be brought by the petitioner -their father or any of his close relatives duly authorised by him.

From the

3

court of the Civil Judge, Junior Division, Jalgaon, the respondent shall take the children to her place at Bhopal where they would live with her. She will bring them back to the same court on May 23, 2011 and hand them over to the petitioner or any of this close relatives so authorised by him.

Put up for further orders on July 07, 2011 at 3.45 P.M.

(NEELAM GULATI)  
Sr. P.A.

(S.S.R. KRISHNA)  
COURT MASTER