

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.19695/2003

(From the judgement and order dated 07/10/2003 in WP 6768/03  
of The HIGH COURT OF BOMBAY)

Sandeep Balakrishna Jindal... Petitioner (s)

Vs.

Anju N. Jain... Respondent (s)

(With appln(s). for exemption from filing c/c of the impugned  
Judgment and prayer for interim relief)

Date : 17/10/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner (s)Mr. Prashant Kumar,Adv.

For Respondent (s)Ms. Indu Malhotra,Adv.

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

This special leave petition at the instance of the husband is directed against the order passed by the High Court of Bombay, whereby the Court has directed to issue certain orders, which are interim in the nature, which runs as under:  
...2/-

-2-

"It is, therefore, directed that the Respondent will be entitled to access of the minor son Sahil from 17th October, 2003 to 18th October, 2003. The Respondent shall collect the child from his school after school hours on 17th October, 2003 and to reach the child to the Family Court on 18th October, 2003 at 4 p.m. It will be open to the Family Court to pass appropriate orders regarding future weekend as prayed, after getting the necessary feedback about the behavioral attitude of the minor child during the above meeting."

We have heard Mr. Prashant Kumar and Ms. Indu Malhotra, learned counsel at length. We are of the view that the interest of the minor is paramount. The High Court has passed the impugned order having regard to the interest of the child. We are, therefore, not inclined to interfere in the matter at this stage. The special leave petition stands disposed of. However, in our view this order requires certain modifications in consultation with the parties and it is directed that Ms. Madhavi Desai, who is a Family Counsellor in the Family Court, Mumbai, shall a

ccompany the child from the school on 17th Oct.2003 and would remain at the residence of the r  
espondent till 18th Oct.2003. The child should be brought to the Family Court at 3.p.m. on th  
at day. We may further clarify that the Family Court shall pass an order independent of the H  
igh Court's order and any observation made by the High Court will not come in the way of the F  
amily Court in passing an appropriate order in accordance with law.

[ Alka Dudeja ] [ Janki Bhatia ]  
Court Master Court Master

(Note: The copy of the order be given to the learned  
counsel today.)