

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S) . 211 OF 2017
(ARISING FROM SLP(C) NO.29031 OF 2015)

KESHAV ARJUN CHARANIA

APPELLANT (S)

VERSUS

INDIRA KESHAV CHARANIA

RESPONDENT (S)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The appellant is before this Court, aggrieved by an interim order passed by the High Court. The issue pertains to the custody of the minor child by name Priyanka.
3. Having heard learned counsel on both sides, it is very clear that they have no objection in continuing the earlier arrangement of 2nd and 4th Saturday overnight access, till the matter is finally disposed of by the High Court.
4. Consent terms for access dated 10.03.2011, agreed and signed by the parties read as follows:-

"CONSENT TERMS FOR ACCESS

Both the parties have arrived at following settlement regarding access to the respondent-mother:

1. Both the parties state that they have a daughter by name Priyanka aged 10 years presently staying with the

petitioner-father.

2. It is agreed between both the parties that the mother-respondent shall avail access to their daughter on every 2nd and 4th Saturday overnight access. The Respondent-mother shall come to the residence of the petitioner-father where the daughter Priyanka stays at near Sahakar Cinema Chembur and take her to her house at Ghatkopar and return her back on following Sunday at 5.00 p.m.

3. Said access shall commence from April-2011 onwards.

4. Both the parties shall maintain the diary where the access timing shall be maintained by both of them.

Petitioner Before me Respondent
10th March, 2011"

5. According to the learned counsel for the respondent, the appellant has not been honouring the consent terms for access, though, it is otherwise disputed by the learned counsel for the appellant.

6. Be that as it may, since the matter is pending before the High Court, we do not want to go into the merits of the matter. It is made clear that the overnight custody on 2nd and 4th Saturday arrangement in terms of consent terms for access dated 10.03.2011 will continue and will be strictly complied with till the matter is finally disposed of by the High Court. In case there is any difficulty in implementation of this order, it will be open to the parties to seek appropriate clarification from the High Court.

7. With the above observations and directions, the appeal stands disposed of.

8. Pending application(s), if any, shall stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[A.M. KHANWILKAR]

NEW DELHI;
JANUARY 06, 2017.

SUPREME COURT OF INDIA



JUDGMENT