

SUPREME COURT OF INDIA

Rajiv Vijayasathy Ratnam

Vs.

Savitha Seetharam

C.A.No.9340/2018

(Kurian Joseph and Sanjay Kishan Kaul, JJ.,)

11.09.2018

JUDGMENT

Kurian Jospeh, J.,

SLP(C)No.30761/2016

1. Leave granted.

2. The parties are before this Court, aggrieved by the interim order dated 08.09.2016 passed by the High Court of Karnataka at Bangalore passed in C.C.C. No.1236 of 2015. The dispute pertains to the custody of their child. Since the main matter is pending before the High Court, we do not propose to deal with the merits of the matter. We make it clear that during the pendency of C.C.C. No.1236 of 2015 before the High Court, arrangement regarding custody, made by the Family Court, Bangalore, shall continue to operate. However, the exchange point shall be Tirumala Tirupati Devasthanam Temple, Melleshwaram, Bangalore. The child will be picked up and dropped at the Tirumala Tirupati Devasthanam Temple, Melleshwaram, Bangalore, on the designated date by 5:30 P.M. in the evening. The visitation of the appellant/father for 22.09.2018 will stand substituted to 15.09.2018.

3. However, we further make it clear that the child shall not be taken out of the country without leave of the High Court. We also restrain both, the appellant and the respondent from instituting any fresh litigation in relation to the pending disputes be it criminal or civil against each other or the members of their family or against the school where the child is now studying, namely, National Academy for Learning, Bengaluru, or advocates on either side, without express permission from the High Court.

4. We are informed that the School has incurred an amount of Rs.1,70,252/- towards travel and other incidental expenses. 50% of the said amount shall be paid by the appellant and the remaining 50% shall be paid by the respondent, within three weeks from today.

5. In view of the apprehensions expressed by the School Authorities regarding interference of the parents, we make it clear that it will be open to the School Authorities to restrain their entry to the premises of the school. However, we direct the Principal of the School to keep informed both the parents on their mobile numbers and e-mail addresses regarding any activities in the school where both the parents can participate. The appellant and the respondent are directed to furnish details of their mobile numbers and e-mail address to the Principal of the School. We also restrain both the parents from unnecessarily communicating with the school.

6. We direct the Family Court to dispose of the divorce petition, in accordance with law, expeditiously, preferably within a period of six months. We are informed that O.S. No. 1305/2013 are pending before 41st Additional City Civil Court, Bangaluru and CCC No.19847/2012 pending before 6th ACMM, Bangaluru. We also direct the Courts concerned to dispose of the above mentioned matters expeditiously and preferably within six months from today.

7. The appeal is, accordingly, disposed of.

8. Pending applications, if any, shall stand disposed of.

9. There shall be no orders as to costs.