



Order in the said writ petition :

(i) The father shall provide two economy return tickets by Air to the petitioner, in every calendar year for her to travel to India to meet the child at her convenience. As and when the mother is in India, the child shall be in her exclusive custody for the said period of time. Her desire to visit India will be communicated to respondent No.3 well in advance for him to procure the flight tickets for her.

(ii) The father shall keep the mother informed of the day to day developments of the son, on a weekly basis. That such communications shall be addressed by the petitioner on the Sunday of every week.

(iii) The mother is entitled to communicate with the child through telephone/video call/skype, etc., at any time.

(iv) The father shall also provide the school calendar of the child, with the list of holidays and dates of exams etc., to the petitioner.

(v) The father shall send the child to USA to the mother, during the summer and winter vacation of every year.

(vi) It is hereby made clear that all these arrangements shall necessarily be in tune with the academic calendar of the child, his availability, etc., to ensure that his education is not disturbed.

Respondent No.1 filed another application before the High Court which was disposed of on 22.12.2020 in the following terms :

(1) Minor child Vihaan shall travel to USA at the earliest, preferably this week itself depending on availability of air tickets.

(2) The father shall accompany the child to USA and on landing, at the airport respondent - father shall handover the "custody" to the petitioner - mother. In that regard, the details regarding the Airline, including the flight number and time of departure and arrival at the airport shall be made known to the petitioner in advance.

(3). The petitioner shall have exclusive "custody" of the minor child for a period of one month from the date he lands at USA.

(4). The respondent may remain in USA during the said period and shall return with the child to Bengaluru.

(5). It is further directed that the petitioner shall have the exclusive custody of the minor child in the event she is in Bengaluru during the period of February or March 2021, on intimation of her travel and other details to the respondent - father.

(6). Further, on completion of the academic sessions including completion of the final examination, Vihaan shall travel to USA for Summer Vacation and

shall remain there during the Summer Vacation and the conditions stipulated by order dated 29/01/2020 shall apply accordingly.

(7). Parties i.e., the parents of Vihaan are further directed to ensure that there is total co-operation between them for the safe travel, stay and return of Vihaan to Bengaluru.

(8). The petitioner is also directed to take steps to ensure that during the period of one month's stay of the child at her place in Middlesex County, New Jersey, USA, she shall ensure that Vihaan attends to the online classes conducted by his school at Bengaluru.

(9). On intimation of the return journey by the respondent - father to the petitioner - mother, the petitioner shall ensure that she returns the child to the respondent - father well in time for the flight to Bengaluru and shall handover the child to the respondent - father at the airport or any other mutually agreeable location.

(10). Further, respondent No.3 to ensure that during the travel of the child to and from USA, all precautions, such as wearing of mask, visor, etc., shall be taken for the health and safety of the child.

(11). During the stay of the minor child Vihaan, in

USA, both parties are restrained from taking any precipitative action against each other concerning the child.

On 04.01.2021, this Court stayed the operation of the orders dated 29.01.2020 and 22.12.2020. During the pendency of these special leave petitions, this Court suggested the parties to approach the Bengaluru Mediation Centre for settlement of their dispute relating to the custody of the child-Master Vihaan Sudhir Rao. Later, this Court was informed that the parties could not settle the dispute.

We have heard Mr. S.S. Naganand, learned senior counsel appearing for the Petitioners and Ms. Neela Gokhale, learned counsel appearing for the Respondents. The High Court is requested to finally decide the writ of habeas corpus expeditiously preferably within a period of eight weeks from today. The interim order passed by this Court on 04.01.2021 shall continue till the disposal of the writ petition(s).

The special leave petitions stand disposed of. Pending application(s), if any, shall also stand disposed of.

(Geeta Ahuja)  
Court Master

(Anand Prakash)  
Court Master