



Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO. 268 OF 2025 (F)

Ms. Gulnar Joshi, Aged 52 years, Indian National, r/o Apartment 4801, 60 Absolute Avenue, Mississauga, ON L4Z0A9, Ontario, Canada, Through her duly constituted Attorney Mr. Karan Singh Manral, r/o House B-2, Sapana Palmeiras, Acsona, Benaulim, Salcete, South Goa, Goa 403716. ... Petitioner

V e r s u s

1. State of Goa, Through Superintendent of Police, North Goa, Porvorim, Goa.
2. State of Goa, through Dy. Superintendent of Police, North Goa, Porvorim, Goa.
3. State of Goa, Through Police Inspector, Panaji Police Station, Panaji, Goa.
4. Mr. Gourav Jaswal, Aged 52 years, r/o Villa Blue, While Pearly Complex, Miramar, Goa. ... Respondents
Email : gj@prototyze.com

Ms. Arundhati Katju, Senior Advocate Through (VC), with Ms. Caroline Collasso, Advocate for the Petitioner.

Mrs. A. A. Agni, Senior Advocate with Mr. J. Shaikh and Ms. Harihar, Advocate for Respondent No. 4.

Mr. Pravin Faldessai, Additional Public Prosecutor for Respondent No. 1.2 and 4.

**CORAM: BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.**

RESERVED ON : 3rd APRIL, 2025

PRONOUNCED ON: 9th APRIL, 2025

JUDGMENT (*Per Bharati Dangre, J.*)

1. The Petition filed by the Petitioner, invoking Section 528 of the Bharatiya Nyaya Suraksha Sanhita, 2023, seek issuance of a Writ of Habeas Corpus against Respondent nos. 1 to 3, to retrieve the Corpus, Iman from the custody of Respondent no. 4, his father, for his production before this Court forthwith. The Petition also seek a direction that the custody of the Corpus may be restored to the Petitioner so as to enable him to continue with his on going school activity in Canada and also to hand over his passport to the Petitioner, she being the custodial parent.

In the Writ Petition, apart from the Superintendent of Police, State of Goa and other police officials, the father, of the Corpus is impleaded as Respondent no. 4.

2. We have heard learned Senior Counsel Ms. Arundhati Katju, through video conferencing, along with Ms. Caroline Collasso, who attended the proceedings in the Court. The Respondent nos. 1 to 3 are represented by Mr. Pravin Faldessai, the Additional Public Prosecutor whereas Mrs. A. A. Agni, learned Senior Advocate along with Ms. A. Harihar, represented Respondent no. 4.

Since the Petition require an urgent hearing by consent of parties, we issue 'Rule'.

Rule is made returnable forthwith. The Petition is taken up for final hearing at the stage of admission. Learned Counsel for the Respondents, waive notice.

3. The marriage between the Petitioner and the Respondent No. 4 was solemnized on 01.10.2000 at Goa as per Hindu traditions and the marriage was registered at the office of the Registrar of Marriages at the Union Territory of Chandigarh. Two children are born out of the wedlock, the elder one born on 19.06.2003 whereas Mast. Iman, the Corpus in the Petition was born on 26.07.2009, who as on date is 4 months away from touching 16th year of his age.

Since the marriage was irretrievably broken and could not be saved, the couple decided to dissolve the marriage by a Decree of Divorce by mutual consent and, accordingly, filed the Matrimonial Petition before the Court at Panaji, Goa, under Section 13(B)(1) of the Hindu Marriage Act, 1955.

Since the Petition was filed on the basis of consensus, in the wake of irreconcilable differences, there was an arrangement between the parties as regards the children born out of the wedlock and it was agreed that both the children shall be under the primary legal custody and guardianship of the Petitioner i.e. the mother and she was

conferred with the liberty to take decisions that are required to manage and guide their lives, till they reach the age of maturity and this included their choice of school, tutoring, cultural education, extra curriculum activities and health care.

The Petitioner no. 2 (the father) was given a right and not an obligation to spend eight weeks (approximately 56 days) in a year exclusively with the children, in any part of the world that he chooses, when the children shall be completely in his legal custody and under his guardianship.

4. After divorce, since the Petitioner no. 1 was free to chose any place of residence on permanent and temporary basis for herself and her children, either in India or outside India, on 15.08.2019, the Petitioner along with children moved to Canada and admitted the children in schools in Canada and as on date, the elder son aged 20 years lives in Ontario and is attending Mc Master University. The younger child Iman is presently prosecuting his study in Grade 10 in a High School in Ontario, Canada, and is residing there for almost five years.

5. Gourav had filed contempt proceedings before the Court which was disposed of by filing terms of settlement relating to parenting time during two distinct period of the academic sessions i.e. one break in December 2024 and summer vacation in July 2023-2024. The

Contempt Petition was disposed off in the wake of the settlement terms. In July 2024, when the father was to take the child out of Canada, she instituted Miscellaneous Civil Application No. 1536 of 2024, expressing her apprehension. However, on 01.07.2024, a statement was made by the father that he would intimate the mother ten days in advance that he will take the child in other Country from India with all particulars being furnished and he would permit the child to speak on video conferencing to the mother atleast once in a day as per the time agreed. The Contempt Petition was disposed off by Order dated 01.07.2024.

6. According to the Petitioner, despite the clear understanding with regard to the parenting time and access, the Respondent no. 4-the father, raised issues and filed a contempt petition in the past by alleging that there was violation of condition of the consent terms which deal with Summer vacation. It was alleged that after signing of the consent terms, which was prior to summer vacation 2024, the Respondent no. 4 approached the Canadian Court and asked for variation in the rights and this was a contemptuous act particularly when the terms and conditions were agreed and accepted before the Court in the Country.

The Canadian Court had passed an order, where it clarified that the High Court in India is a more appropriate jurisdiction to seek

particularization of the details of the order and the parties were conferred with the liberty to apply to the High Court of India for further particularization of the terms of the order in a manner that the court deems appropriate.

7. Iman was picked up by his father on 22.07.2024 from his place of residence at Mississauga, Canada, with an understanding to return him on 30.08.2024. According to the Petitioner, the original passport of Iman and the permanent resident card (PR card) was handed over to the father.

On return of the child on 30.08.2024, the Petitioner realized that the passport of the child was not with him and on establishing contact with the Indian Consulate in Toronto and by exchanging communication with RTO Panaji, she learnt that a new passport was obtained by the father for Iman by filing an application before the Passport Officer, Panaji, Goa, and the Petitioner was informed that the new passport was kept by the child in safe deposit box in Canada for which he was paying the rent. The Petitioner learnt that the passport was secured by the father, by furnishing false information and it attracted an offence of cheating, knowing well that the information supplied was false and by misleading the authorities.

It is the contention of the Petitioner that the primary custody of Iman was to remain with the mother and she was under an obligation to take care of his needs and retain the primary documents pertaining

to the child but despite this, the new passport obtained was not handed over to her.

Being aggrieved by the act, she filed a complaint with the Panaji Police invoking an offence of cheating and forgery under IPC as well as Section 12 of the Passport Act, 1967 but, according to her, no action was taken on her complaint.

8. On 05.03.2025, the Petitioner received communication that the father planned to pick up the child and take him to India for a week's break starting from 7th March. According to her, the trip was unilaterally planned without prior discussion and when she informed the father that she had lodged a report about loss of the passport, the father made it clear to her that the passport was not with him.

On 6th March, the father arrived in Canada and established contact with the child on phone and she was told by the child that he is going to visit the father in the hotel to drop some essentials as they were discussing about a trip to Goa. The Petitioner protested by saying that she had not given her permission for any international travel and advised her son to spend the holiday with his father within Canada. The child did not return on the same day and when she attempted to reach him, she received a message, that he would be staying overnight with the father and that time the Petitioner suggested him to collect his school bag to be with his father. However, on the next date i.e. 7th

March, Iman did not attend the school and even did not answer her multiple calls; she panicked as she was not able to establish contact even with the father and, therefore, she approached the Police expressing her concern that the father may attempt to leave Canada with the child and that the child is not necessarily armed with essential documentation required and for his re-entry into Canada, leading her to suspect premeditated abduction.

The Canadian Police initiated an investigation and apprehended the father at the airport and she was informed that they had spoken to the child and asked him to collect his PR card from the Petitioner.

On 10th March, the Lawyer of the Petitioner forwarded an email to the father requesting for the child's return plan and it was reiterated on 17.03.2025 but no response was received.

9. Realizing that Gourav had taken Iman forcibly to Goa with malafide intention to prevent his return to the Petitioner disrupting his studies, she inferred that the father wanted to abduct the minor child and remove him out of her custody, in gross violations of the Orders of the Indian Court and hence she filed the present proceedings.

10. It is the case of the Petitioner that she shared an intense and affable relationship bond with the child Iman and they used to spend quality time with each other and they shared a strong bond with each other but, all of a sudden Iman was pressurized to move with the father

and he has been brain washed, with the sole intention to alienate the child from her. According to the Petitioner, she had started counselling for her son in order to provide him emotional and mental support in his mid-teens and it is her specific case that he was performing well in his academic and extra curricular activities in Canada and removing him from the place where he has swarmed roots and was charting out a bright career for himself, would be specially detrimental to his interests.

It is in this background that the present Writ Petition with the aforesaid reliefs is filed before us.

11. When the Petition was listed before this Court to consider the relief of restoring the custody of the child to the Petitioner so as to enable him to continue his schooling in Canada, this Court directed production of the minor child for being interviewed by the Court in Chamber on 24.03.2025.

In pursuance thereof, we had an interaction with child Iman to the exclusion of his parents and also in the company of the parents, separately and also innocuous. In our interaction with Iman, we made a serious attempt to ascertain his wishes and yearning and from the interaction we were also in a position to form an opinion about his connect and feelings towards his parents. He aired before us certain concerns and made it clear to us that he was not forcibly removed from

the custody of his mother but he willingly accompanied his father to Goa and has resolved to continue in his company.

12. Ms. Katju, representing Gulnar, the mother, vehemently submitted before us that the case before is of parental alienation and she has invited our attention to a heap of correspondence exchanged by the child who at present is aged 15 years and eight months old. The serious concern expressed on behalf of the mother is about the discontinuation of the studies of the child, who is presently undergoing Grade 10 curriculum in the Port Credit Secondary School and though it is suggested on behalf of the father that the said curriculum could be completed through Ontario Virtual School, according to Ms. Katju, the curriculum definitely cannot be equivalent to the schooling by physical mode as it would involve practicals and field studies and according to her Port Credit Secondary School is one of the best school which offer the Ontario Secondary School Diploma (OSSD). Ms. Katju has stress fully submitted before us that relationship of the Petitioner with her child was a normal relationship as like any other mother and a child and the child being in his adolescence, may feel aggrieved by the stricter norms which the mother wanted him to imbibe but all the steps taken by her, were all the while in his interest. It is also urged before us that for almost five years, Iman was with the mother in Canada and he will be suddenly uprooted and would be dis-aligned, on being shifted

to India, both, culture-wise and environment-wise and at this age, this shift may prove adverse to his interest and impact his personality.

13. Per contra, Mrs. Agni representing, the father, would submit before us that Iman is matured and has capacity to form his own opinion and he is firm and emphatic that he does not want to accompany his mother and return to Canada. She has further submitted that the Petition in the nature of Habeas Corpus is misconceived as Respondent no. 4 is biological father of Iman and therefore there is no question of any unlawful custody in absence of any eminent danger of life or physical and mental well being of Iman, this Court shall not entertain the proceedings.

She also submit that the concern, regarding schooling of Iman, so as to complete remaining of his Grade 10 of OSSD are duly taken care of by the father as he has obtained necessary information and has received a communication from the academic and counselling career, informing him that the curriculum followed in Ontario Virtual School is the same which is followed by Port Credit Secondary School and when the child gets registered in the Ontario Virtual School, which follow the same curriculum for Grade 10, as Ontario School Record (OSR) would be transferred from Port Credit Secondary School and he shall also be issued with a report card from Ontario E-Secondary School.

Mrs. Agni has also placed reliance upon the communication issued by the Ministry of Education certifying that Ontario E-

Secondary School, a private school has credit to Ontario Secondary School Diploma (OSSD).

14. In the wake of the aforesaid, it is the submission of Mrs. Agni, that for last six years, Iman was residing with his mother and rather he was closely attached to her and in absence of any pressure exerted, he would have preferred her over his father but the child is clear in his thoughts and even made it clear in no uncertain terms through his various communications, that he do not want to return to the mother.

15. It is in the above factual background we are called upon to decide the claim of the Petitioner for restoring the custody of her son aged 15 years 8 months to her, in the wake of her allegations that he was removed from her custody by the father illegally and forcibly.

In deciding so, we must be guided by predominant consideration, that, the decision must be in the best interest of the child, as it is the mantra for determining the issue of custody of a minor child.

Admittedly, the parents are residents of India and Iman is also born in India. It is only subsequent to the mutual divorce between the parents in the year 2019, the child accompanied his mother to Canada and the issue of custody of Iman was decided by the Court in Goa as mutual terms were settled between the parties about the mother being the custodial parent with a limited access being available to the father at regular intervals.

16. Since it is the case of the Petitioner that the child has been removed from her custody and brought in India, while exercising our writ jurisdiction and determining whether a writ of Habeas Corpus would lie, the option open is to conduct a summary inquiry or an elaborate inquiry on the question of custody. In the case of summary inquiry to be conducted, the Court may deem it fit to order the return of the child in the Country from where he/she was removed, unless the return is shown to be harmful for the child. In such an inquiry, it is even open to the Court to decline the relief of return of the child, irrespective of a pre-existing order of return of the child by Foreign Court.

On the other hand, in an elaborate enquiry, the Court shall examine the merits of the case, and as to where the paramount interest and welfare of the child lie and reckon the fact of pre-existing Orders of the Foreign Court for return of the child as one of the circumstance. In either of the situation, the most significant point for consideration by the Court is about the child's welfare and definitely while determining this fact, the Court will take into consideration the totality of the facts and circumstances of each case independently. Though the comity of Courts may be one of the relevant consideration in determining this issue but fortunately for us the Parental Plan arrangement was agreed between the parties before the Court in India and except filing some Miscellaneous Application before a Court in Canada and even which

has refused to exercise its jurisdiction, we are not confronted with any order of the Foreign competent Court.

17. Admittedly, India is not a signatory to the Hague Convention of 1980 on “Civil Aspects of International Child Abduction” and as regards the principle followed the non convention countries provide that in a Country in which the child has been removed, must consider the question of merits bearing in mind that the welfare of the child, is of paramount importance.

18. In **Prateek Gupta vs. Shilpi Gupta & anr.**¹ the Apex Court pronounced upon the factors which would be taken into consideration in determining the course of action to be followed, in the issue of repatriation of a child removed from its native country by either of the parent and the opinion expressed, reads thus :

“49. The gravamen of the judicial enunciation on the issue of repatriation of a child removed from its native country is clearly founded on the predominant imperative of its overall well-being, the principle of comity of courts, and the doctrines of "intimate contact and closest concern" notwithstanding. Though the principle of comity of courts and the aforementioned doctrines qua a foreign court from the territory of which a child is removed are factors which deserve notice in deciding the issue of custody and repatriation of the child, it is no longer res

1 (2018) 2 SCC 309

integra that the ever-overriding determinant would be the welfare and interest of the child. In other words, the invocation of these principles/doctrines has to be judged on the touchstone of myriad attendant facts and circumstances of each case, the ultimate live concern being the welfare of the child, other factors being acknowledgeably subservient thereto. Though in the process of adjudication of the issue of repatriation, a court can elect to adopt a summary enquiry and order immediate restoration of the child to its native country, if the applicant/parent is prompt and alert in his/her initiative and the existing circumstances ex facie justify such course again in the overwhelming exigency of the welfare of the child, such a course could be approvable in law, if an effortless discernment of the relevant factors testify irreversible, adverse and prejudicial impact on its physical, mental, psychological, social, cultural existence, thus exposing it to visible, continuing and irreparable detrimental and nihilistic attenuations. On the other hand, if the applicant/parent is slack and there is a considerable time lag between the removal of the child from the native country and the steps taken for its repatriation thereto, the court would prefer an elaborate enquiry into all relevant aspects bearing on the child, as meanwhile with the passage of time, it expectedly had grown roots in the country and its characteristic milieu, thus casting its influence on the process of its grooming in its fold.”

19. In ***Yashita Sahu v. State of Rajasthan and Ors.***², the scope of the judicial interference in exercise of *parens patriae*

² (2020) 3 SCC 67

jurisdiction, the principal welfare of child, being the paramount consideration, was once again reiterated particularly when the child is the victim of custody battles.

Holding that while deciding matters of custody of child, primary and paramount consideration is the welfare of the child and if welfare so demands, then technical objections cannot come in the way. However, it was clearly indicated that while deciding the welfare of the child, it is not the view of one spouse alone which has to be taken into consideration but the courts should decide the issue of custody only on the basis of what is in the best interest of the child.

In very specific words, Their Lordships of the Apex Court have highlighted the need of a child to receive love, affection, company, protection of both parents by expounding the concept of 'Child welfare' as below :

“22. A child, especially a child of tender years requires the love, affection, company, protection of both parents. This is not only the requirement of the child but is his/her basic human right. Just because the parents are at war with each other, does not mean that the child should be denied the care, affection, love or protection of any one of the two parents. A child is not an inanimate object which can be tossed from one parent to the other. Every separation, every reunion may have a traumatic and psychosomatic impact on the child. Therefore, it is to be ensured that the court weighs each and every

circumstance very carefully before deciding how and in what manner the custody of the child should be shared between both the parents. Even if the custody is given to one parent, the other parent must have sufficient visitation rights to ensure that the child keeps in touch with the other parent and does not lose social, physical and psychological contact with any one of the two parents. It is only in extreme circumstances that one parent should be denied contact with the child. Reasons must be assigned if one parent is to be denied any visitation rights or contact with the child. Courts dealing with the custody matters must while deciding issues of custody clearly define the nature, manner and specifics of the visitation rights.

23. The concept of visitation rights is not fully developed in India. Most courts while granting custody to one spouse do not pass any orders granting visitation rights to the other spouse. As observed earlier, a child has a human right to have the love and affection of both the parents and courts must pass orders ensuring that the child is not totally deprived of the love, affection and company of one of her/his parents.

24. Normally, if the parents are living in the same town or area, the spouse who has not been granted custody is given visitation rights over weekends only. In case the spouses are living at a distance from each other, it may not be feasible or in the interest of the child to create impediments in the education of the child by frequent breaks and, in such cases the visitation rights must be given over long weekends,

breaks and holidays. In cases like the present one, where the parents are in two different continents, effort should be made to give maximum visitation rights to the parent who is denied custody.”

20. A similar view is reiterated in **Nilanjan Bhattacharya vs. State of Karnataka**³ when primary consideration was given to welfare of the child when the children were directed to be sent back to the Foreign country, on recording a finding that it was in the best interest of the children that they are so sent back.

On a summary inquiry, the Courts have thus concluded that the children who are brought to India deserve to be sent back in their interest.

21. In **Kanika Goel v. State of Delhi through Station House Officer**⁴, the Apex Court had highlighted that the issue of custody of the minor child ought not to be decided on the rights of the parties claiming custody of the minor child but the focus should constantly remain on whether the factum of best interest of the minor child is to return to the native country or otherwise. The fact that the minor child will have better prospects upon return to his/her native country, may be a relevant aspect in a substantive proceedings for grant of custody of the minor child but not decisive to examine the threshold issues in a habeas corpus petition, where the Court ought to focus on the attending

3 (2020) SCC OnLine 928

4 (2018) 9 SCC 578

circumstances, of the minor child having been removed from the native country and taken to a place to encounter alien environment, language, custom etc. interfering with his/her overall growth and grooming and whether continuance there will be harmful.

22. While considering the issue of welfare of child, a minor, the Court is expected to take into consideration the physical, moral as well as psychological impact of the transition on the child and the Court shall also keep in mind the surrounding facts and circumstances, which would vary from case to case but in any case, the guiding factor must be, the best interest of the child. Admittedly, there cannot be a straitjacket formulae or mathematical exactitude by which a solution can be offered since the child is not a commodity which can be exchanged or permitted to be kept retained with either of the parent as per their convenience or as per the understanding arrived between the parents, without consulting the child and particularly when a child is grown up and is in the age of adolescence.

23. “Adolescence is a border between childhood and adulthood. Like all borders, it's teeming with energy and fraught with danger” - Mary Pipher.

Iman, the child whose welfare we are to consider as an adolescent, aged 15 years and eight months. He is in his teens, and at

this typical age, the youth feels the extreme need to have a freedom to choose and make his choice.

There is no universal age or rule as to when it can be said that mental maturity is attained. Generally, cognitive and emotional maturity in boys can be observed, as per the well settled psychological norms around late teenage years to early twenties. Experience in life, knowledge gain, adversities suffered, even stressful relationship in the family are some of the factors on which the mental maturity attained by a child can differ.

24. In our interaction with Iman, we found him to be firm in his view that he wanted to be with his father and we were repeatedly told by Iman that he had accompanied his father on his own will and he shall not be forced to return back to Canada and be in the company of the mother.

25. We could hear a voice of a young man, who is developing in an adult. He is at an age which is inherently infused with disturbance and psychological confusion. The phase of his life where he stands today is marked by significant physical, emotional and cognitive and behavioural pattern, coupled with the development of abstract thinking and stronger sense of identity. Adolescent often experience heightened emotional intensity and a broader range of emotions. In our interaction though we could not conclusively infer that Iman's decision was influenced by his father exclusively, but we have taken

note of many factors and circumstances which has made him disalienate with his mother. Several incidents which were discussed in our presence by Iman have also found its way in various communications addressed by him to his mother, which include his message on 03.03.2025, where he assertively told his mother that he intend to go home to Goa and seemed to be excited for the visit. Thereafter, we have before us the messages exchanged between the parents and one of the issue was about the loss of passport of Iman which was returned by the mother.

We also have gone through the messages from mother addressed to Iman after they were tracked at the airport when the mother has expressed her concern about she being not made a participant in the whole plan, which the father and son had in advance. In no uncertain terms, Iman has written to his mother and expressed his anguish about the manner in which the whole situation was handled which included she approaching the police knowing very well that he was accompanying his father to India. He has accused his mother of being dominative because of her ego and he even accused her of not caring for him.

We find some of the accusations hurtful and we have noted that despite the mother offering justification for her conduct and concern expressed, Iman has not accepted it.

26. Adolescence is a time for exploring one's identity, values, beliefs and often leading to a search of independence and autonomy. Though Iman is below 18 and therefore in a technical sense a child, he is away from maturity by two years but we find that he has made a decision for himself and we must express that he is not at the age, to feel bound by the decision taken for him by others including the Court itself. His relationship with his mother, the Petitioner, for some reason, appear to be tumultuous, at the moment though we are sure that by passage of time, Iman may be able to shed the anger in him and when he look back, he may even repent over the accusations which he has levelled against his mother but at present, he is full of rage and we do not intend to put him in a situation, which would cause him any physical, emotional or psychological harm and it would not be definitely in his interest.

We agree with the concern expressed by the mother but at this stage, where Iman is, when he has made a decision for himself, we expect the Petitioner to respect his decision.

27. The concern expressed by the Petitioner is about discontinuation of his studies but the communication placed before us from the Ontario Virtual School, which is ready to offer him an Ontario Secondary School Diploma (OSSD) on par with the one offered with the Port Credit Secondary School, which was attended by Iman, we permit the said

pursuit to be followed in continuing his studies though he is ten weeks away of completing his tenth grade.

We would have been rather glad if Iman would have continued this part of his curriculum by physically remaining present in the school but we definitely do not intend to do it against his wishes. Iman is not at an age, where he can be forced to live by a decision taken by somebody else then his own self and this is a peculiar feature of adolescence, and hence we feel that he should be allowed to make the choice and we do not want to deny him the right of 'His Choice', which he has made and made it clear to the Petitioner and even to us.

28. In the aforesaid circumstances, while we refuse the relief in favour of the Petitioner in restoring the custody of Iman to her, in the wake of the mutual agreement between the parties, Iman shall still continue to be under her legal custody and guardianship till he attain the age of majority as per the consent decree passed by the Court at Panaji in the Matrimonial Petition.

Iman shall complete his schooling in Grade 10 in Ontario Secondary School Diploma (OSSD) by securing admission in Ontario Virtual School and for this transition, the Petitioner shall render her cooperation which may include signing necessary papers permitting him to shift from Port Credit Secondary School to the virtual school.

We also direct that the Respondent no. 4 shall ensure that Iman meets his mother at regular interval and we expect the father to assist the mother in re-establishing the bond between a mother and her son.

The Petitioner and Respondent No. 4 shall mutually agree for a minimum period of eight to ten days, when Iman shall be in the company of his mother either in Goa or as agreed as and when occasion arises, at any place mutually agreed amongst themselves.

29. With the aforesaid directions, Rule is discharged.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.