

Order Below Exh.-46

(Passed on this 02nd day of February, 2026)

This is an application for grant of interim custody of child to celebrate his birthday for period from 01.02.2026 to 03.02.2026.

2. Perused the application and say below it. So also entire record. Heard both sides.

3. The applicant contends that, her son Riyansh is in the custody of non-applicant No.1. This Court has passed order on 24.01.2025 to allow interim custody of her child to celebrate his birthday but the non-applicant did not comply yet. Non of the orders of this Court is complied by the non-applicant. She was never allowed to meet her son. She wants to celebrates birthday of her son on 01.02.2026. The non-applicant is not ready to allow her to meet her son. She is mother and natural guardian, interim custody of her child to celebrates his birthday for period from 01.02.2026 to 03.02.2026 may kindly be allowed.

4. Non-applicant No. 1 has filed his say and opposed the application on the ground that, the applicant left the matrimonial home. She under goes medical treatment pertaining to mental illness. On 21.11.2024, she met her son before mediator at Hon'ble High Court, Mediation Center. Interim custody will affect mental state of child during long traveling. Grant of custody with the applicant would hamper mental state of minor. He is ready and willing to co-operate the applicant for celebration of birthday at Aurangabad in Children Complex.

5. From perusal of record and after hearing submission of learned advocate for the applicant, it appears that, Hon'ble District Court passed order as to interim custody of child in favor of the applicant. However, it is also submission of learned advocate for the applicant that the non-applicant approached before Hon'ble Supreme Court challenging order of interim custody. In view of this application is not maintainable. Hence, I pass the following order.

ORDER

The application is rejected.

Date- 02.02.2026

(K.S. Khandare)
Judicial Magistrate F.C.Kandhar