

**ORDER BELOW EXH.28**

(Passed on 19.10.2022)

1. Applicant husband filed present application with a prayer to grant him permission to take his minor son with him for Diwali Holiday. Respondent wife filed reply at Exh.29.
2. I have heard Advocate Mr.M.M.Sharma appearing for the applicant and Advocate Mr.K.V.Mishra appearing for the respondent. Respondent present with her minor son.
3. Originally applicant husband filed a petition under Section 7, 25 of the Guardian and Wards Act, 1980 for custody of his minor son age 8 years. Respondent caused appearance in this proceeding and filed her reply. Learned Predecessor of this Court as per order dated 04.08.2022 below Exh.4 acknowledged interim visiting rights of applicant with his minor son. This Court on 14.10.2022 partly allowed application filed by applicant.
4. On this backdrop, applicant filed this application wherein he submitted that there are Diwali Holidays to his minor son and during that period applicant want to take him to his house so that they will have a good bonding and affection will increase. Respondent strongly objected application and submitted that applicant by pressure want to meet with his minor son. Applicant is not leaving any opportunity to harass

respondent and her minor son. Respondent filed detailed reply to Exh.28.

5. As a matter of record minor son of both the parties as of now is residing with his mother i.e. respondent. He is only 8 years old. Court, from time to time permitted applicant to meet with his minor son. However, acknowledging that right does not lead to mean that all of a sudden applicant can take his son with him. Welfare of child is the paramount consideration. Applicant is staying at Raigad which is far away from Khamgaon.

6. Thus, I find no merit in the application. Unless the original petition is decided on merit such type of application can not be allowed. Because permitting stay of minor with applicant during pendency of original petition may cause any kind of damage to the child. Thus, grounds are not satisfactory. Application is devoid of merit. Hence, following order is passed.

ORDER

Application Exh.28 is rejected.

Khamgaon
Dt. 19.10.2022

(Prasad P. Kulkarni)
Ad-hoc District Judge-2,
Khamgaon.

Certificate

I affirm that, the contents of this P.D.F. file are correct, word to word, as per original Order.

Name of Court : Ad-hoc D.J.-2, Khamgaon,
Name of Steno : Govinda D. Bhoyte (Stenographer Grade-3)
Decided On : 19.10.2022.
Uploaded On : 19.10.2022.