

CNR No.MHCH160002372026



**ORDER BELOW EXH.07**  
(Dt : 16.06.2026)

This is the case under the provisions of D.V. Act. Same is pending for written say of Non-applicant. The present application is moved under section 23(2) of PWDV act for the interim custody of children. Since from then date of filling of this application matter is pending for say of the non-applicant. Hence considering the time given to the respondent application is hereby decide without say of the non applicant.

2. It is contended that the husband of the applicant namely Naresh Yogaji Alaam has performed second marriage with the non-applicant No. 02. Since 29.08.2024 applicant had residing at her parental house. The Non-applicant forcefully retained the custody of her children. Being the mother/natural Guardian, the applicant claimed the interim custody of her children. It is therefore prayed to pass order of custody of said children immediately, as the respondent is irresponsible person. In support of this applicant has filed FIR copy of N.C. matter bearing No. 0709/2025 is filed on record.

3. The present application is moved for the custody of the children under section 23(2) of PWDV Act. This section specifically

authorizes the Magistrate to grant *ex-parte* or interim orders. As such, if there is a prima facie case of domestic violence and the safety of the child is at risk, the Magistrate can pass an interim order granting temporary custody even before hearing from the respondent. In the case in hand it appears that since from 18/02/2026 matter is pending for written Say/reply of Non applicants. It means the non-applicants knows all the facts stated by the applicant. Here the conduct of the non applicants are itself doubtful. Further applicant contended that non applicant no. 01 had performed the second marriage with the non applicant no.02. In such circumstances, if non-applicants have any grievance against the facts stated by the applicants then they will file their reply to the main petition as well as to this application within stipulated time. But till today they have not filed their say. Further The custody granted by the Magistrate under the PWDV Act is strictly interim and temporary; therefore it will not cause any prejudice to the non-applicants. Perused the record it appears that, the age of children which are in custody of respondent is of 13 years & of 8 years. Therefore, considering the facts & circumstances of the case it appears that it is required to pass order of custody, so that any unwanted incidents can be avoided and children can be kept in safe custody. Considering the abovesaid facts, in the interest of justice, following order is passed.

### **ORDER**

- i) It is hereby directed to the respondent Naresh Yogaji Alaam to hand over the interim custody of two children

namely Manas Naresh Alaam (age of 13 years) & Anushri Naresh Alaam (age 8 years ) to the applicant, before the court.

- ii) It is hereby directed to non-applicant to produce said two children firstly before the court & then hand over their custody to the applicant.
- iii) Applicant is directed to get comply the above order & also take help of the protection Officer if required.
- iv) Issue notice to the respondents accordingly.

Date: 16/06/2026.

( Suvidha G. Pande/Yawalkar )  
Judicial Magistrate F.C, Warora.  
Dist. Chandrapur.

**C E R T I F I C A T E**

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

Name of Stenographer	:-	C. N. Lohakare,
Court name	:-	Court of J.M.F.C, (Court No.1) Warora, Dist. Chandrapur.
Date of order	:-	16/06/2026
Order signed by the Presiding officer on	:-	16/06/2026
Order uploaded on	:-	16/06/2026