

ORDER BELOW EXH. 13

The application is filed by applicant for temporary custody of daughters during the period of 17.10.2025 to 31.10.2025 on account of Diwali festival holiday. The applicant contended that his two daughters are forcefully kept in custody of respondent. On account of Diwali vacation her daughters be allowed to enjoy with their mother. Hence, prayed for interim custody of the daughters during Diwali vacation. The main application is filed under PWDVA. It is pending for argument on interim application at Exh. 5.

2. The applicant has filed this application on 14.10.2025. Notice had been issued to respondent to appear on today. The notice report is served. However, the respondent personally present before the court without his learned counsel. The learned advocate for applicant submitted that the respondent is himself ready to handover custody of daughters to the applicant. The copy of application provided to respondent. Hence, today the matter is taken on board.

3. Learned advocate for applicant prayed for urgent order with no say against respondent and order to handover custody of daughters to the applicant. The respondent remained absent in second sessions. Therefore, defence of respondent or any objection does not come on record. Learned advocate for applicant strongly submitted to allow the application contending that the respondent has not denied the application or its contents. The presumption against respondent can be ground that they have no objection about the application and the contents of application are admitted to him. As learned advocate for respondent is not present. The respondent who was present at the time of board called out

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cannot be identified that the person was respondent. As the matter is online respondent can give his reply on online. There is no need to appear in person before the court by the learned counsel. Moreover if the respondent himself is ready to handover custody of daughters to the applicant. The both parties amicably can filed common pursis online.

4. Considering this circumstances, it is difficult to decide the custody of daughters age 4 years and 8 years within the period of one day without having inquiry about their betterment and paramount consideration. Considering the nature of application and subject matter with cannot be decided within one day relying on presumptions. The question is about tender age daughters. Without having talk with them or without consent by respondent they cannot be shifted mechanically by order of the court. Considering these hurdles the application cannot be decided without say by respondent. Hence, application kept for say by respondent till next date.

Dt. 17/10/2025

(S.K. Deshmukh)
J.M.F.C.Saswad.