

MHPU180014012024



P.W.D.VA. NO. 23/2024

Sana

Vs

Mujib

ORDER BELOW EXH 13.
(Passed on 09/10/2024)

This is an application filed by non applicant for permission to meet her daughter as under.

2. According to non applicant, he has one daughter namely Simra having age of 6 years begotten from the applicant. She is now residing with the applicant. The applicant without any cause and reason left the house of non applicants since last three years when the non applicant had been to meet her daughter at the parental house of the applicant they abused to the non applicant and denied to meet to her daughter. He has right to meet her daughter. So, by filing this application he requested to grant permission to meet her daughter on second & fourth Sunday of each month for entire day.

3. The applicant filed say to this application and thereby submitted that, the application is not tenable and maintainable in the eyes of law. Non applicants have not given say to the main application and by filing various applications they intents to prolong the matter. There is a danger to the life of daughter of the applicant from non applicants. Non applicant has not make any arrangement for livelihood of the applicant. Non applicant also was trying to meet the daughter of applicant at her school. He also followed her after ending of school therefore, the applicant lastly prayed to reject the present application with cost of Rs.5,000/-.

4. Perused the application and say. Heard both sides at considerable length. By filing this application the non applicant

sought permission to meet her daughter twice in month i.e. on second and fourth Sunday for whole day. Per contra, the applicant opposed the application contending that, there is a danger to the life of her daughter from non applicant. Therefore, the present application needs to be rejected.

5. I have carefully gone through the facts of the application and say along with facts of the main application. It appears that, there is a contention in respect of causing ill treatment to the daughter of the applicant in main application. Considering the entire recitals in the application there appears some danger to the daughter of the applicant. The custody order mentioned in section 21 of The Protection of Women from Domestic Violence Act granted only when there is no any harmful interest against child however, considering the facts of the case in hand prima-facie it appears that, there is harmful to the interest of the child i.e. the daughter of the applicant therefore, it would not proper in the interest of justice to allow the visit to the non applicant. Resultantly, I proceed to pass following order.

ORDER

01. Application stands rejected.
02. No Order as to cost.

Date : 09/10/2024.
Place : Daund

(Sharad B. Kaldate)
Judicial Magistrate First Class
(Court No. 2) Daund.

CERTIFICATE

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

Name of the Steno	:- Deepak A. Merukar, Grade-3
Court / Panel	:- (Sharad B. Kaldate) 2 nd Jt. C.J.J.D. & Judicial Magistrate First Class (Court No. 2) Daund.
Order / Judgment date	:- 09/10/2024.
Order / Judgment singed by	:- 09/10/2024.
the Presiding Officer on	
Order/ Judgment uploaded on	:- 09/10/2024.