

COMMON ORDER BELOW EXH. 32 AND 35 IN CIVIL MISC.
APPLICATION NO. 61 OF 2024
CNR No. MHRT010009652024

Shri. Sunil Rajaram Kharade	Applicant
<i>Versus</i>	
Sou. Ganeshi Sunil Kharade	Opponent

1. By way of application Exh.32 the applicant father of the minor has prayed for custody of the child for two days as per order below Exh. 7 and joint pursis submitted by both the parties at Exh. 30. However, as the respondent mother did not hand over the custody, the applicant father has filed another application Exh. 35 for taking action against the respondent mother.
2. The respondent mother has filed her say vide Exh. 37 and submitted that she had consented for sending the child with the applicant as per pursis Exh. 30, however, the child is not ready to go with the father and if he would be compelled to do so, it was mentally affect the child.
3. The matter was also sent for mediation, however, mediation could not succeeded.
4. Perused the application and say. Heard respective counsels.
5. In the present matter it appears that previously on 03.02.2025 my Ld. Predecessor has already passed order below Exh. 7 and issued following directions;

आदेश

१. अर्ज मंजूर करण्यात येतो.
२. रुद्रला दर बुधवारी ४ ते ६ या वेळेत जिल्हा विधी सेवा प्राधिकरणाच्या कार्यालयात सामनेवालीने भेटू द्यावे. एखादया बुधवारी कोर्टाला सुट्टीचा दिवस असल्यास दुस-या दिवशी भेटण्यासाठी आणावे.

३. रुद्रला वडीलांसोबत दोन महिन्यातून एकदा सिनेमा, मनोरंजन खेळासाठी किंवा बागेत २ ते ३ तास घेवून जाण्यासाठी सामनेवालीने अर्जदाराबरोबर जावू द्यावे. आवश्यक वाटल्यास तिने सुध्दा त्याच्या सोबत जावे. दिवाळी, नाताळ सुट्टीमध्ये तसेच महिन्यातील सतत आठ दिवसांपेक्षा जास्त कालावधीची सुट्टी असल्यास रुद्रला अर्जदाराच्या ताब्यात दोन दिवस द्यावे. अर्जदाराने रुद्रला ताब्यात घेण्यापुर्वी तो किती तारखेला त्याला परत सामनेवालीच्या हवाली करेल व कोठे करेल याचे लेखी हमीपत्र कोर्टाचे प्रतिनिधी श्री. बारगुडे यांना सादर करावे.
४. जिल्हा विधी सेवा प्राधिकरण यांच्या कार्यालयातील श्री. अमित बारगुडे, कनिष्ठ लिपिक यांनी त्याच्या भेटी संदर्भासाठी योग्य ती देखरेख ठेवावी आणि दोन्ही पक्षकारांनी आवश्यक ते सहकार्य करावे.
५. दोन्ही पक्षकारांनी या आदेशाचे पालन न केल्यास त्याची अंतिम आदेश करताना योग्य ती दखल घेतली जाईल याची उभय पक्षांनी नोंद घ्यावी.

6. However, it appears that initially the parties have scheduled the meeting with the child at the office of District Legal Services Authority, Ratnagiri either on Wednesday or on some other day as per their convenience. However, thereafter, there is some disagreement between them. On 16.10.2025 both the parties submitted pursis that the child would be handed over to the custody of the applicant father on 24.10.2025 and 25.10.2025 from 10.00 a.m. to 9.00 p.m. However, the same was not complied with. Therefore, the above said application Exh. 35 was filed. Thereafter, the respondent mother started seeking adjournment and again she herself made grievances about the adjournments. On appraising the same she started to create scene in the Court. She has been warned about the same on 04.11.2025 itself and she submitted her written apology on the same.

7. Thereafter, submissions of both the parties were heard. Though the respondent mother has submitted that the child is not ready to go with applicant father, however, there is order of my Ld. Predecessor dated 03.02.2025 which has never challenged by her. It

has also not disputed that the child used to meet the father at the office of District Legal Services Authority, Ratnagiri. Therefore, there is no reason for subsequent disobedience. Moreover, she herself submitted pursis Exh. 30 and consented for hand over the custody of the child just for two days. It was in accordance with the interim arrangement. Therefore, submissions that the child is not ready to go and it would hamper his mental health appears to be evasive. No doubt, concluding remarks can not be passed at this juncture as the matter is yet to be heard finally. However, it is necessary for betterment of child as well that he should get company of both the parents. It would help in his development. It is required to considered by the parties that the welfare of the child is paramount consideration and in such situation, the parties have to be practical and considered the welfare of the child rather than their personal grudges against each other.

8. In such circumstances, it is necessary that the parties should obey the directions in the order below Exh. 7 atleast till final disposal of the main application for custody of the child. Needless to mention that my Ld. Predecessor has already observed that the conduct of the parties would be taken into consideration while passing final order. In such circumstances, I refrain from passing any adverse orders for non compliance. However, the parties are directed to strictly comply interim order till disposal of the main application. The parties shall also submit suitable dates when child can be interviewed by the Court so that the matter can be heard finally thereafter. Both the applications are disposed off accordingly.

Date:- 02.04.2026

(V. Y. Jadhav)
Principal District Judge,
Ratnagiri.