

MHRT040002392025

ORDER BELOW EXH.6 IN
PWDVA appeal NO. 4 OF 2025

Sudhir Subhash Pawar Appellant

Versus

Swadhinata Sudhir Pawar Respondent

1. The appellant has preferred appeal u/s 29 of PWDVA Act to set aside the order of learned trial Court dated 09-05-2025 in PWDVA application No.36/2024 thereby the learned trial Court Dapoli directed to deliver interim custody of son of appellant and Respondent Master Rajveer to the applicant therein Swadhinata Sudhir Pawar. The application was allowed in view of section 21 of PWDVA Act.

2. Aggrieved by the said order the appellant has preferred this appeal and moved application for stay of order of the learned trial Court on the grounds that before passing of the said order the learned Magistrate has not verified the desire of son of applicant and Respondent. The son of applicant and Respondent is residing with appellant father since last seven months. The Respondent is residing in slum area in Mumbai and therefore it would not possible for her to take care of their son properly.

3. Heard both the parties.

4. Perused the order of learned JMFC Dapoli. Considered that there is no presumption that mother is unable to take care for her child. Working mothers can successfully maintain balance between work, family and child care. Working woman can often with the help of family or child care arrangements take care of the child. The learned trial Court has considered that welfare of child would be better served in the custody of the applicant rather than Respondents.

5. It shall be considered that child requires both mother and father for emotional, social development of the child. In this particular case the son Rajveer is four years old. It must be considered that welfare of the minor is paramount consideration. At this juncture nothing is brought on record that welfare of the child will not be possible if the custody is given to the mother. Furthermore merely alleging that the Respondent is living in slum area that does not means that she is unable to look after the child properly. Therefore according to me there is no reason to stay the order passed by the learned Magistrate. In result I pass following order.

ORDER

Application is rejected.

Khed.

Date :- 15.10.2025

(P. S. Chandgude)

Additional Sessions Judge,
Khed

CERTIFICATE

I affirm that the contents of this pdf file order are same word as per original Judgment/order.

Name of Stenographer	:	Mrs.V.S.Kulkarni
Court Name	:	Additional Sessions Court, Khed, Tal. Khed, Dist.Ratnagiri
Date of Decision	:	15.10.2025
Judgment/Order signed by Presiding Officer on	:	15.10.2025
Judgment/Order uploaded on	:	15.10.2025