


<b>MHSN060026572025</b> 	P.W.D.V.A.62/2025 Nikita Gosavi Vs. Arjun Gosavi.
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**ORDER BELOW EXH.9**

1. Perused the application filed by the applicant under Section 21 of the Protection of Women from Domestic Violence Act, 2005, praying for interim custody of the minor child Priesh, aged about two years, who is presently in the custody of respondent No. 1, the father. The applicant has also filed on record the birth certificate of the said child. It is the contention of the applicant that respondent No. 1, after subjecting her to physical and mental cruelty, took away the child from her custody on 31/07/2025 and since then has unlawfully retained the child. It is further contended that the child is of tender age, still on breastfeeding, and that his continued separation from the applicant is detrimental to his health, nutrition, and overall welfare.

2. The documents on record, including the birth certificate of the child, have been perused. Notices are yet to be served upon the respondents. As respondent No. 1 is residing at Nagpur, it may take considerable time for service and filing of say. Considering the tender age of the child and the fact that he is still on breastfeeding, I am satisfied that immediate intervention is required to secure the welfare of the child. Section 21 of the Protection of Women from Domestic Violence Act, 2005 empowers this Court, notwithstanding anything contained in any other law, to grant temporary custody of any child to the aggrieved person at any stage of the proceedings. The custody so granted is interim in nature and does not amount to a decision on

permanent custody, which lies within the jurisdiction of the competent court under general custody laws. The paramount consideration while deciding interim custody is the welfare of the child. In the present case, the circumstances disclosed in the application clearly show that immediate handover of the child to the applicant is necessary to protect his health, safety, and emotional well-being. Hence, I proceed to pass the following order.

**ORDER**

1.	The application is allowed.
2.	The interim custody of the minor child Priesh is hereby handed over to the applicant till the decision of the main application (case) pending before this Court.
3.	Issue notice to the respondents.
4.	Issue letter to the Protection Officer to ensure compliance of this order by facilitating and securing the handover of the minor child to the applicant, to ensure the safety and welfare of the child during such process, and to submit a compliance report to this Court forthwith.

Miraj  
Date- 11.08.2025

(Smt. P. D.Gaikwad)  
Judicial Magistrate F.C., Miraj