

CRIMINAL MISC. APPLICATION 145/2025

(Manisha Pawar V/s. Sanjay Pawar & Ors.)

ORDER BELOW EXH.6

1. The applicant has filed present application u/s. 21 of Protection of Women from Domestic Violence Act (Herein after referred as D.V. Act).
2. Heard Ld.Advocate for applicant. He submitted that, respondent no.1 is alcohol addicted person. He has forcefully taken the custody of applicant no.2 and 3 from applicant. The applicant no.3 is ill and both children need the care of mother. Hence the respondent no.1 be directed to hand over custody of applicant no.2 and 3 with applicant no.1.
3. Perused of record, it reveals that, notice of present application is not yet served upon the non-applicant. Though the applicant stated that, respondent no.1 is alcoholic addicted person. However, it needs to consider that, Respondent no.1 is father of applicant no.2 and 3. So prima facie the children's custody with father cannot be termed as illegal custody.
4. However, considering the tender age of applicant no.2 and 3, it is necessary for them to be in care of mother. The records reveals that, respondent is residing withing limitation of this court. Hence, the applicant is at liberty to issue special notice upon respondent either by hand, RPAD or through special constable on payment of necessary fees. Considering the relation between parties

before passing any ex-parte order it will be just to hear the respondent. Hence, following order ;

ORDER

1. Issue notice to respondent no.1 returnable on 26.12.2025 through protection officer.
2. The applicant no.1 is at liberty to issue notice by hand or through special constable on payment of necessary fees.

Vita.

Date : 24/12/2025

(Smt. P M. Suryawanshi)

Judicial Magistrate First Class,
Vita- Tal.Khanapur, Dist.Sangli.