

Order below Exh.- 06

1. The present application is filed on behalf of applicant u/s 21 of Protection of women from Domestic violence Act. It is contention of applicant that since last 1 year she is residing at her parental house due to physical and mental harassment by respondents. On 19/12/2025 the respondent no. 1 forcefully took the custody of applicant no. 2 and 3. The applicant no. 2 is of age 7 years and applicant no. 3 is of age 4 year old. Applicant no. 3 is also suffering with serious medical issue. Thus the custody of accused no. 2 and 3 be granted to applicant no. 1. The Ld. Advocate for applicant submitted that applicant no. 1 being mother, is able to take proper care of her minor children's.

2. Notice of present application was sent to respondent. The respondent appeared in matter. The applicant no. 2 and 3 are also present before court. Considering the tender age of applicant no. 2 and 3 both were taken in personal Chamber. After making both them comfortable their willingness was asked. Accordingly both the children's freely put their willing to stay with their father.

3. Though considering the age of children naturally and lawfully it is necessary to keep them in care of their mother. However the well being of child is paramount consideration. Thus the applicant no. 2 and 3 can not be made bound without their willingness to stay with applicant no. 1. Hence till further of this Court it will be just retain the custody of applicant no. 2 and 3 with respondents. Hence the following order.

ORDER

The application below Exh.6 is rejected.

Vita.

Date : 26/12/2025

(Smt. P. M. Suryawanshi)

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