



CNR No. MHWR030114412025

P.W.D.V.A. No. 201/2025

Dipali + 2 V/s. Hemant

COMMON ORDER BELOW MAIN PETITION (EXH. 01)

AND E-FILED APPLICATION DATED 24/04/2026 (EXH. 07)

This is an e-filed proceeding under the provisions of the Protection of Women From Domestic Violence Act.

2. Applicant No. 1 through e-filed application (Exh. 07) dated 24/04/2026 is seeking relief of interim custody of her children i.e. applicant Nos. 2 & 3 during the summer holidays. Respondent e-filed his say (Exh. 10) dated 06/05/2026 and resisted the same.

3. Ld. Advocate for applicant submitted that, applicant Nos. 2 & 3 are children of applicant No. 1 & respondent and they are presently in the custody of respondent since 08 months. However, both children have their school holidays during this summer and therefore, applicant is seeking their interim custody for 15 days. Applicant is the natural guardian and the children are entitled for love & affection of applicant as well. Thus, it will be in the best interest of children to stay with the applicant during summer holidays. Hence, prayed for the reliefs sought.

4. *Per contra*, Ld. Advocate for respondent *vide* her say contended that, though there are holidays, summer sessions is going on in the school and therefore, the children cannot go to applicant. Further, applicant does not have any love or affection towards the children and therefore, she had not made any attempt to visit them till date. Moreover, applicant is working and thus, she is not able to look after the children or give them any time. On the other hand,

respondent is ready to cohabit with applicant, but she is not ready. Hence, prayed for rejection of the application.

5. Perused the application, say filed and the record. Despite of repetitive calls, none appeared for respondent and no reasons furnished for failure to attend & conduct the matter. Hence, considering the nature, age & stage of the matter, proceeded without hearing the respondent.

6. It is apparent that, relationship between the parties is not disputed. Further, it is also not disputed that, applicant Nos. 2 & 3 are minor and are presently in the custody of respondent.

7. The respondent has raised objection that, though there are summer vacations, some session is going on in the school of children. However, no details or particulars of the same are furnished on record by him. Moreover, applicant *vide* her e-filed *pursis* (Exh. 11) dated 06/05/2026 submitted that, if at all any such session is going on, she is ready to drop the children in their school for such session and take them back afterwards. Hence, in my view, it takes care of the objection raised by the respondent.

8. *Secondly*, eventhough there are domestic disputes between the parties, *undoubtedly*, it will be beneficial and in the best interest of the child if he gets love & affection of both the parents. The dispute between parents should not deprive the children from the care, love & protection of both parents.

9. Therefore, considering submissions of both sides, nature & stage of proceeding, in my view, at this stage, the applicant can be permitted to take custody of both children for the limited period of

15 days as prayed. *Needless to mention*, on account of any changes in circumstances regarding the schooling or other curricular activities of children, both parties will be at liberty to approach this Court for seeking modification / alteration in the said order.

10. Hence, in view of the reasons mentioned above, I am inclined to allow the application as prayed. Accordingly, I proceed to pass the following order :

1. E-filed application (Exh. 07) dated 24/04/2026 is hereby allowed and permission is granted to applicant No. 1 to take custody of both children i.e. applicant Nos. 2 & 3 for the limited period of 15 days starting from 14/05/2026 to 28/05/2026 on conditions as follows :
 - A) Applicant No. 1 shall not take the children beyond the jurisdiction of this Court without permission.
 - B) Applicant No. 1 shall enable the children to attend their school sessions and / or curricular activities, if any, by taking them for the same.
 - C) Respondent is directed to furnish details of such school sessions and / or curricular activities, if any, to the applicant and this Court well in advance.
 - D) Applicant No. 1 shall take good care of both the children and shall report any issues regarding their ill-health or distress to this Court as well as the respondent immediately.
 - E) For the purpose of custody as mentioned above, respondent shall drop both the children at the place

of residence of applicant on 14/05/2026 by 11:30 a.m. and after completion of tenure, applicant No. 1 shall drop them back to residence of respondent on 28/05/2026 by 11:30 a.m. accordingly.

F) Copy of this order be forwarded to the concerned Protection Officer and Police Station, for information and necessary assistance, if need be.

4. Present case is e-filed and this order is digitally signed; Hence only digitally signed order is uploaded on the Case Information System (CIS), without keeping any printed copy.
5. If certified hard copy of this order is asked, the Registry shall provide certified copy by taking printout of the digitally signed order available on the e-Courts' portal.
6. Both parties to take note of this order and comply accordingly.
7. Copy of this order be given to both parties free of costs.

Place : Wardha
Date : 11/05/2026

(Vickrant P. Khandare)
Judicial Magistrate First Class, Wardha.
(Court No. 1)