



ORDER BELOW EXH-12
(Passed on 25.03.2026)

The present application is filed by applicant under section 21 of PWDVA, seeking interim custody of applicant No.2 and 3. Respondent filed his say vide Exhibit 16.

2. It is the contention of applicant that she herself and non-applicant No.1 are teacher and she has filed report against non-applicant before Karanja City Police Station bearing Crime No.32/2025 and also filed Misc.Cri.Appl. No. 125/2024 under section 144 of Bharatiya Nagarik Suraksha Sanhita.

3. During pendency of the said matters, non-applicant No.1 unlawfully obtained possession of applicant No.2 and 3 on 10.06.2025. Thereafter, applicant requested non-applicant No.1 to hand over custody of applicant No.2 and 3, but all in vain. Non-applicant No.1 threatened to applicant that if she demanded custody of her children then he will commit suicide and falsely implicate herself and her family in the said crime.

4. Applicant further submitted that applicant No.2 is of 12 years age and applicant No.3 is of 5 years age and they are studying in class-8th and class-1st respectively. Applicant has paid fees of Bansal Coaching Classes in respect of applicant No.2 and 3. Non-applicant No.1 is having bad vices and he is unable

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to take proper care of applicant No.2 and 3. Hence, filed the application.

5. Per contra, non-applicant No.1 filed his say and resisted the application and submitted that on 06.06.2024 applicant committed quarrel with him and left his house and thereafter, applicant's brother Sachin Wasudeo Bhoyar had been to his house and beaten him and non-applicant No.3 and in respect of which he has filed report bearing Crime No.399/2024 on 06.06.2024.

6. Further, non-applicant No.1 submitted that applicant is residing at her parent's house alongwith her brother and his family members in a joint family. The mother of applicant is suffering from Cancer and her father has to take care of her mother for treatment at Hyderabad, due to which father of applicant is unable to provide time to applicant No.2 and 3.

7. Further, applicant has to travel 35 km from Karanja to Manora for the purpose of her job due to which she was unable to look over towards applicant No.2 and 3. The brother of applicant is having bad vices and if applicant No.2 and 3 resides with him they may get their life threat. Moreover, non-applicant No.1 is residing with his mother and father and non-applicant No.1 has to travel 8 km from Karanja for the purpose of his job. Both applicant No.2 and 3 are above the age of six years and applicant visited his house time to time, to meet them. Hence, application of applicant be rejected.

8. Perused the application, say and record. Heard both the learned advocates at considerable length.

9. Applicant has filed copy of admission form of applicant No.3, copies of fees which she has paid in respect of school of applicant No.3, transaction history showing payment of auto allowances and copy of medical reports.

10. Per contra, non-applicant has filed copy of final report bearing No.92/2024, copy of certificate showing distance of school from his home, copies of fees paid in respect of applicant No.3, copies of bill showing purchase of school uniform, books and other documents below Exh.18.

11. It is well settled that, while considering question of custody of the child paramount welfare of the child alone is the consideration and what would be for the welfare of the child must necessarily depend upon facts and circumstances of each particular case. For it the Court has to consider all the factors, such as, economic status, character of the person claiming custody and guardianship, love and affection shown by the parties in the betterment of the child, the age of the child.

12. From the record it transpires that the date of birth of applicant No.3 is 05.11.2018 which shows that she is more than 7 years old and applicant No.2 is 12 years old. They needs love, care, protection and companion of both father as well as of mother equally, rather it is needless to say that it is their inherent right. The matrimonial dispute between applicant and

non-applicant No.1 shall not hamper the tender psychology of applicant No.2 and 3. They should not be deprived from their inherent right to be nurtured under the care and protection of both father as well as of mother.

13. Applicant and non-applicant No.1 both have made several allegations against each other in respect of care and protection regarding applicant No.2 and 3. From the record it also reveals that both applicant and non-applicant have paid bills of expenditure of school of applicant No.2 and 3. The contention of applicant that non-applicant No.1 unlawfully obtained custody of applicant No.2 and 3 on 10.06.2025 cannot be considered at this stage as non-applicant No.1 is also the natural guardian of both applicant No.2 and 3 and moreover, the said allegation is also not supported with any documentary evidence. As per the say of non-applicant No.1 it reveals that applicant visited his house to meet both applicant No.2 and 3. Both applicant No.2 and 3 are above the age of 7 years and they are not the sucking child. In aforesaid factual and legal position, considering the paramount welfare of the applicant No.2 and 3 it would be properer to continue their interim custody with their father/non-applicant No.1., instead of handing over their interim custody to applicant. Further, visitation right is given to applicant to meet applicant No.2 and 3. Hence, following order.

ORDER

1. The application is rejected.
2. The applicant is hereby allowed to meet/visit applicant

No.2 and 3 on every Sunday between 11.00 Hours to 16.00 Hours in nearby garden/park or/and to any other place mutually agreed by applicant and non-applicant No.1.

3. Application is disposed off accordingly.

Date:- 25.03.2026

Place:- Karanja (Lad).

(B. A. Nerlikar)

Judicial Magistrate, First Class
(Court no.3), Karanja (Lad).

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/ Order are same word to word as per the original order.

Name of Steno. :- D. V. Daware (Stenographer Grade-III)

Court Name :- 2nd Jt. Civil Judge (Jr.Dn.) and J.M.F.C.,
Karanja. Dist. Washim.

Date :- 25/03/2026

Order signed by the :- 25/03/2026
presiding officer on

Order uploaded on :- 25/03/2026