

GAHC020002022026



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)
KOHIMA BENCH**

Case No. : FA/1/2026

SHRI THUNGBEMO SHITRI
R/O HOUSE NO. 420, DUNCAN BASTI, DIMAPUR, NAGALAND.

VERSUS

SMTI. MHONSALI OVUNG
W/O THUNGBEMO SHITRI, R/O H/NO. B-1/ R2, RENTAL HOUSING CAMPUS,
LANDMARK COLONY, DIMAPUR, NAGALAND

Advocate for the Petitioner : CHANGNEILEU NEWME,

Advocate for the Respondent : ,

Linked Case : I.A.(Civil)/52/2026

SHRI THUNGBEMO SHITRI
R/O HOUSE NO. 420 DUNCAN BOSTI
DIMAPUR
NAGALAND.

VERSUS

SMTI. MHONSALI OVUNG
W/O THUNGBEMO SHITRI
R/O HOUSE NO. B-1/ R2
RENTAL HOUSING CAMPUS
LANDMARK COLONY
DIMAPUR

NAGALAND.

Advocate for : CHANGNEILEU NEWME
Advocate for : appearing for SMTI. MHONSALI OVUNG

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

06/04/2026

The present appeal under Section 19 of the Family Court Act, 1984 has been preferred against the impugned interim order dated 30.03.2026 in I.A. (Civil) No.11/2026 passed by the Principal Judge, Family Court, Dimapur, Nagaland by which the interim Custody of the 2 (two) sons of the appellant has been directed to be handed over to the mother/ petitioner in I.A. (Civil) No.11/2026 on or before 5th April, 2026 before 6:00 PM.

2. Heard learned counsel for the appellant, Mr. P. Lotha. It is submitted that the final hearing of the instant case regarding the custody of the children of the appellant herein is fixed on 16th April, 2026.

3. The appellant herein has assailed the order dated 30.06.2026 on the ground that the two sons of the appellant had expressed their desire to stay with their father in spite of the fact that the counselors appointed by the court had stated that the counseling had failed. The children had even submitted their written desire to

stay with the father/ appellant before the counselor and upon considering their desire to stay with the father, the Family Court had earlier granted the custody to the father/ appellant and due to which the Family Court by order dated 18.12.2025 had allowed the two sons to stay with the father/ appellant during the winter vacation. Another ground taken by the appellant is that the learned court below had failed to appreciate the fact of the case in its right perspective as the appellant is able and fit to look after his minor boys and that it is the respondent who has been negligent in looking after the children.

4. Issue Notice, returnable in 4 (four) weeks.

5. The appellant shall take steps for service on the respondent by Speed Post document as well as usual process within 3 (three) working days.

6. In view of the fact that the hearing on the final custody is fixed on 16.04.2026, the order dated 30.03.2026 in I.A.(Civil) No.11/2026 in as far as the interim custody of two sons of the appellant are concerned, shall remain suspended till the final hearing on 16.04.2026.

Sd/-
JUDGE

Comparing Assistant