

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 3411 of 2025**

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NISHIT PRAKASH DOSHI

Versus

ZARNA NISHIT DOSHI

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Appearance:

ANAND S TAILOR(9021) for the Petitioner(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE NISHA M. THAKORE

**Date : 28/04/2025****ORAL ORDER**

1. Heard Mr. Anand Tailor, learned advocate for the petitioner. The challenge is made to the order dated 29.11.2024 passed by the learned Judge, Family Court, Surat below Exh.9 in an application seeking interim custody of the child under Section 25 of the Guardian and Wards Act, 1890 in Civil Miscellaneous Application No.5 of 2024. By the said impugned order, the learned Judge, Family Court, Surat has partly allowed the aforesaid application preferred by the present petitioner granting visitation rights on 2<sup>nd</sup> and 4<sup>th</sup> Sunday between 3 to 6 hours in Family Court compound as well as on special occasion like birth day of the child. Thus, the petitioner being father of the child is aggrieved and dissatisfied with the prayer for interim custody being not entertained by the learned Judge, Family Court and has therefore, approached by preferring the present petition invoking supervisory writ jurisdiction of this Court under Article 226 & 227 of the Constitution of India. This Court by order dated 20.01.2025 passed in group of petition being SCA No.444 of 2024 and other allied

matters after considering the various authorities on the issue has referred the matter for consideration before the Division Bench. The attention of this Court was invited to the case status details wherein, the hearing of the reference has been postponed.

2. In such circumstances, the learned advocate for the petitioner has urged before this Court to at least consider his case for limited custody of the child on the ground of ensuing summer vacation. Noticing the prayer sought for, the application preferred at Exh.9, this Court is of the view that let an application in this regard be made before the learned Judge, Family Court, who is otherwise examining the original proceedings preferred under Section 25 of the Guardians and Wards Act. It would be open for the present petitioner to apply before the learned Judge, Family Court seeking limited custody for 15 days as submitted before this Court on the ground of ensuring summer vacation. At his stage, learned advocate under the instructions has submitted that the petitioner is in process of submitting such application today before the learned Judge, Family Court.

3. Considering the aforesaid submissions, if such application is submitted and is registered, the learned Judge, Family Court shall examine the aforesaid application independently of the order dated 29.11.2024 passed below Exh.9, after hearing the respective parties strictly in accordance with law. The learned Judge, Family Court is directed to decide such application as expeditiously as

possible. Let, the matter be notified for further consideration on 11.06.2025. Direct service today is permitted.

RATHOD KAUSHIKSINH

**(NISHA M. THAKORE,J)**

Original copy of this order has been signed by the Hon'ble Judge.  
Digitally signed by: KAUSHIKSINH JILUSINH RATHOD(HC00957), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 28/04/2025 14:32:13