



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO.6770 OF 2026

NIKHIL S/O. DEVDAS DONGRE

VS

SNEHA W/O NIKHIL DONGRE, SNEHA D/O PARASARAM MESHRAM

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Mahesh D. Janbandhu, Advocate for petitioner.

CORAM : NANDESH S. DESHPANDE, J.

DATED : 2nd September, 2026

Heard.

The present petition challenges order dated 06/05/2026 whereby the respondent herein who happens to be the biological mother of two years five months male child has been granted interim custody of the said child viz. Dev.

2. Learned counsel for the petitioner strenuously argued that the respondent herein left the company of the petitioner on 28/04/2025. According to him, there was no mental harassment at the hands of the petitioner and the in-laws. It is further contended that during the intervening period the respondent did not take any efforts to challenge or took any steps in that regard.

3. However, on careful perusal of the matter, more particularly the application filed by the respondent under Section 6 of the Hindu Minority and Guardianship Act, 1956, on 24/06/2025 barely two months after, she left the

company of the petitioner herein. In the said matter an interim order is passed by the Court granting custody of the said minor child to the respondent.

4. I have gone through the impugned order which is interim in nature and therefore the scope of interference is minimal since the main proceedings are admittedly pending before the Competent Court i.e. District Judge, Gondia. As can be seen from paragraphs 7,8 and 9 of the order, the trial Court has recorded a finding that the conduct of the father i.e. the petitioner herein is not satisfactory since he has not cared to produce the child citing reason of illness. It is also observed by the trial Court that welfare of the child is the paramount consideration and in view of the provisions of Hindu Minority and Guardianship Act, custody of a child less than five years normally has to be with the biological mother.

5. No exceptional circumstance to deprive the biological mother of custody of the child is made out in the application. The order seems to be well reasoned and without any perversity. No interference is called for.

The writ petition is rejected. No order as to costs.

(NANDESH S. DESHPANDE,J.)

Asmita