

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
GUARDIANSHIP PETITION NO. 30 OF 2016**

Poonam A Mishra	...Petitioner
<i>Versus</i>	
Aniruddh Ramesh Mishra	...Respondent

Mr Omprakash Pandey, for the Petitioner.

**CORAM: G.S. PATEL, J
DATED: 1st October 2018**

PC:-

1. Notice was issued to the Respondent in the Guardianship Petition on 24th January 2017. It was returned unclaimed. The Petitioner, Poonam, is the mother of a girl child, Aahana. The Petitioner was married to the Respondent, Aniruddh, on 25th June 2010. Aahana was born on 12th October 2011. The Petition states that there is a history of physical and mental abuse of Poonam by Aniruddh and his family. That is the subject matter of separate proceedings, including under the Domestic Violence Act 2005. The Petitioner is currently staying with her parents. The minor, Aahana, is in the Petitioner's custody.

2. As it stands, this case is a very close parallel to the one decided by the Supreme Court 19 years ago in *Githa Hariharan & Anr v Reserve Bank of India & Anr.*¹

3. However, an order is necessary in view of the on-going parallel litigations, and the allegations of domestic violence. The order is necessary for the protection of the minor. Notice has already been issued on the Respondent, who has not responded.

4. The Petition is made absolute in terms of prayer clause (b). The interest of the Petitioner is not adverse to that of the minor.

5. Further, having regard to the background set out in the Petition, the minor is not to be removed from the custody of the Petitioner without a specific order of the Court, obtained after at least four weeks' prior written notice to Mr Pandey, who is on record for the Petitioner.

(G. S. PATEL, J)

1 (1999) 2 SCC 228 : AIR 1999 SC 1149.