

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

942 WRIT PETITION NO. 13284 OF 2023

VIDYA YOGESH BAWA
VERSUS
MITHABAI GOTUGIR BAWA

...
Advocate for Petitioner : Mr. Pravin Vithal Suryawanshi
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 26th OCTOBER, 2023

PER COURT :

Heard learned counsel for the petitioner.

2. The petitioner is challenging order dated 09th September, 2021, passed in petition no. D-06 of 2019, by learned Principal Judge, Family Court, Aurangabad. The petitioner has filed proceeding under Section 25 of Guardian and Wards Act, before Family Court, Aurangabad, seeking guardianship and custody of minor children who are with respondent no. 1 – mother-in-law, Mithabai. The respondent and minors are residing at Kusumba, Taluka and District Dhule.

3. The learned Principal Judge of Family Court has held that Family Court, Aurangabad, does not have jurisdiction as the minors are ordinarily resident of Kusumba, Taluka and District Dhule. A reliance is placed upon the judgment cited in paragraph no. 4. I do not find any perversity or illegality in the findings recorded by learned Judge of the Family Court. Section 9 of Sub-section 1 of Guardian and Wards Act, 1890, is explicit. The petitioner after her marriage was residing at

Kusumba with her deceased husband, the children and the respondent no. 1. She is required to reside at Aurangabad, under the compelling circumstances. The custody of the minor is forcibly taken from Aurangabad by brother-in-law. Learned counsel would therefore submit that Family Court at Aurangabad, has territorial jurisdiction to entertain the proceedings. Learned Judge in the impugned order has rightly recorded that the minors are ordinary resident of Kusumba Taluka and District Dhule. No interference is called for in the impugned order. It is always open for the petitioner to initiate proceedings before the Court having jurisdiction. Writ Petition is dismissed.

[SHAILESH P. BRAHME, J.]

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