

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

WRIT PETITION NO.2944 OF 2024

(Mrunal d/o Kishor Pohankar (Mrunal w/o Shashikanth Gajjari) Vs. Shashikanth Virantappa Gajjari)

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

Court's or Judge's orders.

Mr. Bhushan Dadu Sachdev, Advocate for Petitioner.
Mr. S. S. Paliwal, Advocate for Respondent.

CORAM: N. R. BORKAR, J.

DATE: 9th DECEMBER, 2024.

This petition takes exception to the order dated 03.02.2024 passed by the Family Court, Yavatmal below Exh.48 in Petition No.D-9/2022.

2. The respondent herein had filed an application alleging that the petitioner, who is his ex-wife has changed the surname of their minor son from Gajjari (father's surname) to Pohankar (mother's surname) in the school record, without his consent. The directions were thus sought to restore back the surname Gajjari.

3. By the order impugned, the learned Family Court has allowed the application.

4. The learned counsel for the petitioner submit that the learned Family Court has erred in entertaining the application. It is submitted the Government Resolution

dated 24.02.2010 permits such change of name/surname.

5. On the other hand the learned counsel for the respondent submits that one of the conditions in the said Government Resolution is that along with an application for change of name/surname mother has to file a copy of the order of the competent court granting custody of the minor child in her favour. It is submitted that in the present case when the surname was changed custody proceedings were still pending. It is submitted that no interference is thus called for in the impugned order. In the alternative the learned counsel for respondent submits that he be granted time to challenge the Government Resolution.

6. It is not in dispute that pursuance to the impugned order, the surname of the minor child as Gajjari has been restored back in the school record.

7. Apart from it, when the petitioner took the action of changing the surname there was no order in her favour granting her custody of the minor child. However, now there is an order of custody in her favour. Considering the overall facts and circumstances, the following order is passed:

- [i] To enable the respondent to challenge the Government Resolution, the position prevailing as on today shall be maintained

for the period of six weeks and thereafter it would be open to the petitioner to make fresh application.

- [ii] The petition is disposed of in the aforesaid terms.

(N. R. BORKAR, J.)