



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

Writ Petition (WP) No. 6101 of 2018

Sau. Meena W/o Rahul Dhumne
Versus
Moreshwar S/o Wasudeorao Khode

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.R.Vyas, Advocate for the petitioner.
Shri A.S.Moon, Advocate for the respondent.

CORAM : ANIL S. KILOR, J.
DATED : 22nd JANUARY, 2024.

Heard.

2. This writ petition is arising out of the rejection of application moved by the mother for getting custody of minor child Pawan vide order dated 3rd July, 2018 passed by the Principal District Judge, Wardha in MJC No. 222 of 2015.

3. In the matter at hand, admittedly, there was a decree of dissolution of marriage by consent and one of the consent term for which the petitioner agreed for was that the petitioner shall have only visiting rights and

the custody of the minor child shall be with the respondent. Even in the cross-examination, the petitioner agreed to have custody of the child with the respondent.

4. In the above referred facts, the learned Principal District Judge, Wardha rejected the application moved by the petitioner for getting custody. It is informed that the petitioner is still having visitation rights.

5. However, as it is the term of the decree that the respondent has permitted to have custody of minor child Pawan, without seeking modification to the decree or without seeking to set aside such a decree on any permissible ground, such application cannot be entertained.

6. Hence, I do not find any error committed by the learned Principal District Judge, Wardha in rejecting the application. Accordingly, as there is no merit in the present writ petition, the writ petition is dismissed.

[ANIL S. KILOR, J.]