



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

3 FIRST APPEAL NO. 601 OF 2025

RAIS RABBANI PATHAN
VERSUS
FATIMA BANO W/O RAIS PATHAN AND ANR

...
Advocate for Appellant : Mr. Mirza R. I. B., Mr. Joshi S. G. and Mr. S. R.
Lad
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CORAM : S. G. CHAPALGAONKAR, J.
Dated : 19.03.2025

PER COURT :-

1. Heard learned Advocate appearing for appellant.
2. Order dated 29.01.2025 passed by District Judge-8, Aurangabad in Civil M.A. No. 190 of 2024 is impugned in this appeal. Appellant is Original Applicant. He had filed application for custody of his minor son/respondent No. 2.
3. Learned District Judge recorded, that application sans requisite pleadings as to how applicant would secure welfare of minor. As such, in absence of necessary ingredients for grant of custody in terms of Section 25 of the Guardians and Wards Act, 1890, (for short "the Act") Appellate Court dismissed application.
4. Learned Advocate appearing for appellant submits that there cannot be dispute as to observations made by learned District Judge and application could have been filed with necessary pleadings required for grant of custody in terms of Section 25 of the Act. He would therefore, urge for withdrawal of application with liberty to file detailed application seeking custody of minor son.
5. Considering submissions advanced, there is no difficulty in

accepting prayer. Hence following order :

ORDER

(i) Appellant is permitted to withdraw Misc. Civil Application No. 190 of 2024 being defective with liberty to file fresh application with requisite details in terms of Section 25 of Guardians and Wards Act, 1890.

(ii) In view of withdrawal of Misc. Civil Application No. 190 of 2024 First Appeal stands disposed off.

(S. G. CHAPALGAONKAR)
JUDGE

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