



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3351 OF 2025
WITH
CIVIL APPLICATION NO.2876 OF 2025 IN WP 3351 OF 2025

Prashant Vishunpant Munde
VERSUS
Sandesh Vikram Hange And Others

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Advocate for Petitioner : Mr. G.K. Naik-Thigle
Advocate for Respondent 1 : Mrs. R.S. Kulkarni
Advocate for respondent no.4 : Mr. L.H. Kawale

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CORAM : S. G. CHAPALGAONKAR, J.
Reserved on : August 08, 2025
Pronounced on : August 13, 2025

FINAL ORDER :-

1. The petitioner impugns the order dated 20.1.2025 passed by the Family Court, Chhatrapati Sambhaji Nagar in proceeding no.29 of 2024, by which application for interim custody of the minor is rejected.

2. Marriage between petitioner and respondent no.4 was solemnized in the month of May, 2007 at Chhatrapati Sambhajnagar. Couple is blessed with two daughters out of matrimonial relationship. The elder daughter Tanishka is aged about 16 years whereas, younger Yashita is about 12 years. Matrimonial dispute erupted between petitioner and

respondent no.4. Respondent no.4 filed proceeding No.D-23/2024 before the Family Court, at Aurangabad under section 25 of the Guardian and Wards Act (for short said Act) seeking custody of daughter Tanishka.

3. The petitioner filed a counter-claim for custody of daughter. The petitioner as well as respondent no.4 filed application for interim custody of minor. Learned Family Court rejected both the applications, however, made some arrangement for visiting rights.

4. Mr. G.K. Naik-Thigle, learned advocate appearing for petitioner submits that, petitioner being father is natural guardian of minor. Respondent no.4-mother is already declared as unfit for being guardian of daughter by virtue of order dated 20.8.2024 passed by the CWC. Mr. Thigle submits that, welfare of daughters being paramount consideration, petitioner being natural guardian of both the daughters is entitled for immediate restoration of the custody. Elder daughter Tanishka is presently continued in interim custody of the maternal uncle i.e. respondent no.2.

5. Mr. Thigle, submits submits that, no acceptable reason is given in impugned order to reject the prayer of petitioner for interim custody although petitioner is more suitable for taking care and nurturing welfare of the child. He points out that petitioner is completely devoted for well being of his own daughters. He would submit that there is no reason to continue interim custody of the daughters with maternal uncle; despite availability of petitioner, natural guardian to take care of minor. He would therefore urge to quash and set aside the impugned order to the extent of clause no.3, thereby rejecting prayer of petitioner for interim custody of minor daughters. Mr. Thigle, endeavors to point out that respondent no.4/mother is unfit to hold the custody of minor.

6. Per contra, Mr. Suryawanshi, learned advocate appearing for respondent no.4 points out that large number of criminal cases are pending against petitioner and he is unfit for the custody of minor.

7. Apparently, learned Family Court, after interrogation with elder daughter Tanishka, noted that, she is a mature girl and capable of taking independent decisions. She expressed her wishes that she wants to become a lawyer and continue to

reside with maternal uncle, who is also a lawyer. She could comprehend matters and visualize her well-being. She has explicitly stated that she is not inclined to go with the mother and would like to stay with her maternal uncle.

8. Family Court has further observed in PWDVA proceeding that both the daughters have denied to grant visitation rights to father. Family Court observed that there is nothing at this stage to show that it is in the welfare of the daughters to grant interim custody in favour of the petitioner's father.

9. Looking to the aforesaid observations, this court finds no reason to interfere in the view taken by the Family Court thereby refusing the application for interim custody filed by the petitioner. When minor is capable of taking her own decision and finds it suitable to remain in custody of maternal uncle and take further studies in law with his able assistance, there is no propriety in disturbing present arrangement.

10. In the result, writ petition stands **rejected**. Pending civil application, if any, also stands disposed off.

(S. G. CHAPALGAONKAR)
Judge.