



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

**CIVIL APPLICATION NO. 10653 OF 2025
IN FCA/8/2025**

Iliyas Ahmed Kahan

....Applicant

VERSUS

Khadija Fatema W/o Umarkhan @ Khadija
Fatema D/o Abulala Ali Hashmi

.....Respondent

.....

Mr. Satej Jadhav h/f. Adv. Shilpa Aurangabadkar, Advocate for
Applicant

Mr. Mohsin Khan a/w Mr. S.A. Deshmukh, Advocate for the respondent

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**CORAM : NITIN B. SURYAWANSHI AND
SMT. VAISHALI PATIL JADHAV, J.J.**

DATE : 30th SEPTEMBER, 2025

ORDER :

1. By this application, applicant seeks cancellation of non bailable warrant issued against him vide order dated 29.07.2025.
2. Umar Khan son of the present applicant has filed present appeal challenging the judgment and decree passed by the Family Court thereby directing him to hand over custody of minor son Daud Khan, aged 4 years, to his wife Khadija Fatema.
3. Since Umar Khan is in jail, custody of Daud Khan was with the applicant. By order dated 23rd June, 2025, this Court directed that

the custody of minor son Daud Khan be handed over to wife Khadija within a period of one week. Said direction was not followed. Then the Police Inspector, Begumpura Police Station was directed to take custody of minor child from the applicant/grandfather. Applicant could not be found on his residential address. It appears that so as to avoid handing over of the custody of minor, applicant stayed away from his house.

4. In the backdrop of above facts, present application is filed by the applicant for cancellation of non bailable warrant contending that he had no intention to willfully disobey the orders of this Court. He had apprehension that minor child will not adjust or may suffer psychological issues if he is suddenly separated. He apprehended serious threats to his life from the daughter-in-law's side. Therefore, he did not hand over the custody of the child. He has also tendered unconditional apology for his act.

5. We directed the applicant to remain present along with minor child in the Court. Accordingly, he is present in the Court. As per our direction, he has handed over the custody of minor child Daud Khan to his mother Khadija Fatema.

6. In view of above facts, non bailable warrant issued against

the applicant shall be cancelled, on applicant paying cost of Rs. 50,000/- to Khadija Fatema. Till the cost is paid, applicant shall remain in the custody of investigating officer.

7. After some time, the matter is mentioned by learned advocate for the applicant and it was informed to the Court that cost of Rs. 50,000/- is paid to Khadija Fatema. Learned advocate representing her confirms the said fact.

8. Applicant is cautioned not to behave in this fashion henceforth. He undertakes to scrupulously follow the orders of this Court. By accepting his unconditional apology, non bailable warrant issued against him is cancelled. Civil Application is accordingly disposed of.

(SMT. VAISHALI PATIL JADHAV, J.)

(NITIN B. SURYAWANSHI, J.)