IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO. 15509 OF 2026

JABIR KHAN KHALIL KHAN
*VERSUS*
MAHEK NAYAB SAYYED SHAHEBAZ AND ANOTHER

...
Advocate for the Petitioner : Mr. Baig Azhar Akbar
...

CORAM : MANJUSHA DESHPANDE, J.

DATE : 30.10.2026

PER COURT :

1. The petitioner has come to this Court with a limited issue seeking direction to the District Judge, Bhusawal, District Jalgaon to decide the pending Civil M. A. No. 34 of 2025, as early as possible and preferably within a period of two weeks.

2. According to the petitioner, he has filed the proceeding before the District Judge, Bhusawal, District Jalgaon under Section 10 and 25 of the Guardian and Wards Act, claiming the custody of the child. In Misc. Civil Application No. 34 of 2025, along with said proceeding he has also filed an application for visitation rights. Although, initially, the visitation rights were granted to the petitioner vide order dated 08.08.2025 and he was allowed to meet his child on first Monday of every month in between 4.00 p.m. to 5.00 p.m. According to him, the respondent has now changed the School of the child, in order to avoid the visitation rights which were made available to the petitioner. In view

thereof, he has filed an application below Exhibit-34 seeking modification of change in the place and name of the School so as to ensure that he can meet his child, which is still pending before the learned Judge. The respondent No. 1 has not allowed him to visit as per the order passed by the District Judge, Bhusawal. The petitioner has filed another application below Exhibit -35 and prayed for striking out the defence of the Non Application. Even this application is not taken on board for a considerable period. Since he was denied the visitation rights and the matter has not been taken up for hearing, the petitioner has approached this Court seeking directions to decide his application below Exhibits – 27, 34 and 35 in Civil M.A. No. 34 of 2025 pending before the District Judge, Bhusawal.

3. So far as, the application below Exhibit 35 directing for striking out the defence is concerned, the Court can decide it on its own merits. However, the application seeking modification of the earlier order below Exhibit – 34, should be decided by the learned District Judge Bhusawal by giving it priority, considering that the petitioner is deprived from meeting his child since February, 2026.

4. In view of the aforementioned submissions, the Writ Petition is disposed of by requesting the District Judge, Bhusawal, District Jalgaon to decide the application below Exhibit 34 of the petitioner, as early as possible and preferably within a period of 4 weeks from today.

5. In view thereof, the Writ Petition is disposed of in aforesaid terms.

( MANJUSHA DESHPANDE, J. )

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