



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

921 CIVIL APPLICATION NO. 5795 OF 2025
IN FA/1230/2025

JYOTI JITENDRA KUMAWAT
VERSUS
JITENDRA KAILAS KUMAWAT AND ORS

....

Mr. Bhushan Mahajan, Advocate for the Applicant
Mr. Mohit R. Deshmukh, Advocate for Respondent Nos. 1 to 3

....

CORAM : Y. G. KHOBRAGADE, J.

DATE : March 05, 2026

PER COURT :-

1. Heard the learned counsel for the applicant and the learned counsel for the respondents.

2. By the present applicant, the applicant / wife put forth prayer clauses (A), (B) and (C), as under:-

“(A) To stay the effect and operation of common judgment and order dated 09.01.2023 passed by the Ld. Principal District Judge, Jalgaon in Civil Miscellaneous Application No.179 of 2021;

(B) To grant ad-interim relief for prayer clause A) pending hearing and final disposal of the application;

(C) The applicant may kindly be permitted to meet minor sons the respondent No.2 – Mahesh & 3 – Rohit on every Sunday till final disposal of the First Appeal.”

3. On 15.10.2025, this Court has passed the following order:-

- “1. Heard the learned Advocates for the parties.*
- 2. This application is moved by the wife, mother of the children, for interim custody/visitation rights. Since the prayer is limited, this Court need not go into any other aspects involved in this appeal.*
- 3. The difficulty expressed by the learned Advocate Mr. Deshmukh for the respondent-husband that the terminal exams are going on till 17th October 2025 of both the children. He requests for an interaction with children.*
- 4. Since the exams are going on till 17th October 2025, this Court cannot accept such a request as the children are not in a position to come personally. The Court vacation commences from 18th October 2025.*
- 5. Considering above, following arrangement shall meet the ends of justice.*
- 6. On every Sunday, starting from 19th October 2025, till further orders, the respondent shall take the children to the house of “Mr. Rahul Arun Beldar, Neri (BK) Taluka Jamner, Dist. Jalgaon” a common relative of both the parties, at 10:00 a.m. in the morning. The husband shall leave the children there till 06:00 p.m. in the evening, so that the mother can visit the children during that period. The husband, after leaving the children, shall not to stay in the said house/premises.*
- 7. The children shall remain present before this Court on 10th November 2025 for personal inter-action.*
- 8. Stand over to 10th November 2025.”*

4. On face of record, it appears that the present applicant / wife has filed the first appeal challenging the legality and validity of the judgment and order dated 09.01.2023, passed by the learned District Judge, Jalgaon and thereby rejected the application of the present applicant / appellant under Sections 7, 8, 12, 17 and 25 of the Guardians and Wards Act. During pendency of the appeal, this Court already granted visitation rights to the applicant / wife to her children / non-applicant Nos. 2 and 3 and the said arrangement is continued till date. Therefore, considering the dispute involved in the present appeal, it would be just and proper to continue the said arrangement during pendency of the appeal.

5. Accordingly, civil application is hereby disposed off. However, the applicant / appellant will have liberty to move for modification of the interim order, if she so desire.

[Y. G. KHOBRADE, J.]

SMS