



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4644 OF 2026**

Bhagyashree Ganesh Garje ... Petitioner
versus
Ganesh Aadhinath Garje and Ors. ... Respondents

Mr. Ashish Verma with Mr. Dhanraj A. Lodha, for Petitioner.
Mr. Avinash Avhad, for Respondents.

CORAM: N.J.JAMADAR, J.

DATE : 20 APRIL 2026

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 24 March 2026 passed by the learned District Judge, Pimpri-Chinchwad, in Misc. Civil Application No.143 of 2026, whereby the learned District Judge was persuaded to direct the Petitioner – Mother to restore the custody of the child to the Respondent No.1 – father, immediately, and to implement the said order, learned District Judge has allowed the police aid. In addition, a notice was ordered to be issued to the Petitioner to show cause as to why action should not be taken for disobedience of the Court's order.
3. The Petitioner has filed a Petition for custody of her five year old son under Sections 7, 10 and 17 of the Guardians and Wards Act, 1890 and Sections 6 and 13 of the Hindu Minority and Guardianship Act, 1956. During the pendency of the Petition, interim arrangement as to custody and access

was made. On 23 March 2026, the child was given in the custody of the Petitioner in accordance with the said interim arrangement. It is alleged, the Petitioner took away the child and thereby disobeyed the order of the Court.

4. It is the grievance of the Petitioner that the impugned order was passed without providing an opportunity of hearing to the Petitioner. Learned Counsel for the Petitioner, however, submitted that the Petitioner is willing to produce the child before the District Court.

5. In opposition to this, it was submitted that, despite issue of warrants, the Petitioner and child could not be traced.

6. The Court finds that the child is barely 5 years of age. Learned District Judge was constrained to pass the impugned order as the child was purportedly taken out of the custody of the father surreptitiously, when the child was given in the custody of the Petitioner pursuant to the interim arrangement. To whom the interim custody is to be granted during the pendency of the Misc. Civil Application NO.143 of 2026 is yet to be decided by the learned District Judge.

7. In these circumstances, in view of the statement made on behalf of the Petitioner that the Petitioner is willing to produce the child before the learned District Judge, this Court considers it appropriate to temporarily suspend the execution and operation of the impugned order dated 24 March 2026 and request the learned District Judge to pass an order as regards interim custody

and visitation rights, after providing an opportunity of hearing to the parties.

8. The Writ Petition, thus, stands disposed with the following directions :

(i) The Petitioner shall appear before the learned District Judge along with the child on 22 April 2026 at 11.30 a.m.

(ii) Learned District Judge is requested to pass afresh order in regard to the interim custody of the child and/or visitation rights of the parties, after providing an effective opportunity of hearing to the parties.

(iii) Till the learned District Judge passes afresh orders, the execution and operation of the impugned order shall remain stayed and once fresh orders are passed by the learned District Judge, the impugned order shall cease to operate.

(iv) It is hereby made clear that, if the Petitioner does not appear before the learned District Judge along with the child on 22 April 2026, this order shall stand recalled and the impugned order passed by the learned District Judge shall become operative and enforceable.

(N.J.JAMADAR, J.)