



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.7269 OF 2025

IMRAN KHAN S/O. NIYAZ KHAN
VS.
ANJUM KHAN @ SUJATA W/O. IMRAN KHAN

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Naquid Z. Mirza, Advocate for petitioner.
None for respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 18.04.2026

Heard learned counsel for the petitioner.

2. Nobody appears for the respondent, although served.

3. By orders dated 27.03.2026 and 08.04.2026, after recording absence of the respondent, the matter was adjourned for today by granting one opportunity to the respondent-wife. However, nobody appears on behalf of the respondent. Hence, the matter is taken up for consideration.

4. The petitioner – husband has challenged the orders passed by the District Court, Nagpur, rejecting the

interim custody of the children and visitation rights of the petitioner-husband.

5. The petitioner has filed an application for grant of custody of children under Section 7 and 25 of the Guardians and Wards Act, 1890, before the District Court at Nagpur. The respondent-wife has appeared in the petition and filed her written statement. The husband then filed an application for grant of access and interim custody of the children vide application at Exhibit 8, the application was partly allowed by order dated 07.05.2024 and the trial Court granted access of children to the petitioner to meet on every Sunday at the house of the respondent-wife till final disposal of the main application, however, by the same order, the prayer of the husband for grant of interim custody of the children was rejected. Thereafter, the petitioner filed an application for modification of order vide application at Exhibit 21 and the wife also filed a separate application at Exhibit 19 seeking modification of the order dated 07.05.2024. By order dated 13.12.2024, the trial Court allowed the application filed by the wife and rejected the husband's application and directed that the access of minor children to the husband be stopped forthwith.

6. In this background, the petitioner again filed an application for grant of visitation rights under Section

12 of the Guardians and Wards Act, 1890, which came to be rejected by order dated 31.07.2025.

7. The petitioner has challenged the order dated 13.12.2024 passed below Exhibit 19 and 21 and the order dated 31.07.2025 passed below application at Exhibit 26, by way of instant petition.

8. Learned counsel for the petitioner submits that the petitioner is the natural father of the two children, who are aged about six years and eight years. In view of the dispute between the spouses, the children are residing with their mother and the petitioner is not in a position to meet their children. He submits that since last two years, the petitioner has not met his children. He also submits that in view of the earlier directions granting visitation rights at the house of the respondent when the petitioner met the children, the wife unnecessarily quarreled and then made allegations that the husband has created scene. He, therefore, submits that without any sufficient reason, the wife is preventing the petitioner/husband from meeting the children.

9. It is also submitted that the trial Court has rejected the application at Exhibit 26 by primarily observing that since earlier application for modification of

order was rejected, the subsequent application for grant of visitation rights also deserves to be rejected.

10. Considering the fact that the petitioner is the natural father of the children, who has not met with the children since last two years, the contentions needs to be considered. Further, in view of the fact that the respondent-wife has not appeared in the instant petition and therefore, the contentions canvassed on behalf of petitioner are not controverted.

11. In view of the above mentioned circumstances, the petitioner needs to be granted one more opportunity to submit a fresh application before the trial Court for grant of visitation rights. Since the petitioner's application at Exhibit 26 was rejected primarily considering that the earlier application was rejected, the order dated 31.07.2025 deserves to be quashed and set aside. Hence, I pass the following order :

ORDER

(i) The order dated 31.07.2025 passed by the trial Court on the application at Exhibit 26 is quashed and set aside.

(ii) The petitioner – husband is permitted to file a fresh application for grant of visitation rights before the

trial Court. In case any such application is submitted, the trial Court is directed to consider and decide the same application without being influenced by the earlier orders passed by the Court on applications at Exhibit 19, 21 & 26.

12. In view of this, the writ petition is partly allowed and disposed of.

(Prafulla S. Khubalkar, J.)