



\$~2 (28.05.2026)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 720/2026

PRAMOD NIVRUTTI KAMBLE

.....Petitioner

Through: Mr. Anurag Abhishek, Ms.
Deepa Sinha, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Ravindra Vikram Singh,
SPC with Mr. Deepansh
Sharma, GP for R-1.
Mr. Prashant Phad, Mr. Vijay
Palve, Mr. Akash Kakade and
Mr. Somanatha Padhan,
Advocates for R-5 to 13.
Insp. Jaspal Singh, PS-Burari.
Respondent no. 7, respondent
no. 9 and the minor daughter of
the petitioner are present in
person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **29.05.2026**

1. Though this matter was listed on 28.05.2026, in terms of Circular No. 77/I-G-4/Genl.-I/DHC dated 26.05.2026, the same is being taken up today.
2. This Writ Petition has been filed under Article 226 of the Constitution of India, read with Section 528 of the Bharatiya Nagarik



Suraksha Sanhita, 2023 (BNSS) praying for issuance of writ of *Habeas Corpus* for production of the minor daughter of the petitioner.

3. In the writ petition, it is asserted that the petitioner solemnized his marriage with late Ms. Sushma Pramod Kamble on 30.05.1998, who, subsequently, was diagnosed with a brain tumor and unfortunately passed away on 12.11.2025. Out of the said wedlock, a daughter was born on 21.07.2020, who also accompanied them to Nanded, Maharashtra in September, 2025. After the demise of his wife, the petitioner was prevented from taking the minor daughter back and was instead threatened by the parents and other family members of the deceased wife, who have been arrayed as respondent nos. 5 to 8 and 10 to 13 in the present petition. The petitioner has, therefore, filed the present petition seeking restoration of the custody of the minor daughter.

4. In the writ petition, the petitioner has disclosed that he had married second time on 11.04.2014, however, despite the same, he was looking after his first wife as also the minor child.

5. On notice being issued of this petition, the respondent no. 7 has alone filed a reply. Though the same was not on record, a copy of it has been handed over by the learned counsel to us in Court. The reply is taken on record.

6. In the reply filed by respondent no. 7, it has been admitted that the custody of the minor child is presently with the respondent no. 7. It is further asserted that the first wife of the petitioner along with the two daughters, one of which is, in fact, the biological daughter of the respondent no. 7, was residing at the first floor of the house while the



petitioner along with the second wife and two sons, was residing on the ground floor of the said house.

7. It is further alleged that the petitioner had physically assaulted his first wife on several occasions during the subsistence of the marriage, for which his first wife even made complaints at the Burari Police Station, at least on two occasions. However, the complaints were never formally registered owing to the fact that the petitioner is working with the Delhi Police.

8. Importantly, the reply admits that the petitioner was entrusted with the care of the elder biological daughter of the respondent no. 7, whom he raised for approximately 15 years and even in her school records, showed himself to be the father of that girl. It is alleged that the said daughter has now been impleaded as respondent no. 9 in the present Writ petition. It is further alleged that during a telephonic conversation made between the petitioner and the respondent no. 9, the petitioner used abusive language towards the respondent no. 9. On basis of the said allegation, it is asserted that the petitioner would not be entitled to the custody of even the minor daughter.

9. It is further alleged that a Regular Civil Suit, bearing R.C.S. No. 129/2026, has been filed before the 2nd Joint Civil Judge Junior Division, Mukhed, Nanded, Maharashtra, seeking a decree against the petitioner for payment of Rs. 2,88,000/-, advanced by the respondent no. 5 to him. It is further alleged that a Civil M.A. No. 137/2026 has also been filed before the 5th Joint Civil Judge Junior Division and JMFC, Mukhed, Nanded, Maharashtra against the petitioner for deliberate obstruction in the issuance of Transfer Certificate and other



documents of the respondent no. 9. These facts have been concealed by the petitioner in the present Writ petition.

10. We have considered the said reply as also heard the submissions made by the learned counsels for the parties.

11. In the present case, it is not disputed that petitioner's first wife, who was the biological mother of the minor daughter in question, used to reside in the same house along with the petitioner albeit on the different floors. It is also not disputed that the own biological daughter of the respondent no. 7, that is, the respondent no. 9 herein, resided with the petitioner for 15 years and was raised under his care and custody. It is further not disputed that the petitioner along with his ailing first wife and minor daughter had travelled to Nanded, Maharashtra, just before her death. It was only after the demise of his first wife that the custody of the minor daughter was kept with the respondent no. 7, who is the maternal aunt of the minor child (Masi/sister of the petitioner's first wife).

12. The petitioner, being the father, is the natural and legal guardian of the minor child under Section 6 of the Hindu Minority and Guardianship Act, 1956. The entire reply does not disclose any valid reason for depriving the petitioner of the lawful custody of the minor child. Even otherwise, the custody of the child with the natural guardian is in the welfare of the minor child. We are guided by the judgment of the Supreme Court in **Tejaswini Guad & Ors. v. Shekhar Jagdish Prasad Tewari & Ors.**, (2019) 7 SCC 42 in reaching the above conclusion.

13. We also take note of the fact that the respondent no. 7 had



herself handed over the custody of her own biological daughter, that is, the respondent no. 9, to the petitioner, under whose care she remained for almost 15 years. It appears that because of this *inter se* dispute which has arisen between the parties post the unfortunate demise of the first wife of the petitioner, that the respondent no. 9 has abandoned the petitioner and gone back to her biological mother, the respondent no. 7. For the period of her stay with the petitioner, there is no allegation of misconduct against the petitioner. We are hopeful that the petitioner would not make respondent no. 9, a scapegoat, in this fight. The learned counsel for the petitioner undertakes before us that the petitioner will fully cooperate in issuance of the Transfer Certificate and handover the other documents that may be required by the respondent no. 9 to continue to stay with the respondent no. 7.

14. Keeping in view the above, we direct the respondent no.7 to immediately hand over the custody of the minor child to the petitioner present in Court.

15. The petition stands disposed of accordingly.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

MAY 29, 2026/vd/ma/pb