

■■■■ G■■■■ V/s. ■■■■ G■■■■
Order passed below Exh.No.7.

Prayer/s :-

- (a) Allow the Appln.U/Sec.12 of the GAWA, in its entirety;
- (b) Direct the Resp. to produce the minor child Mst. ■■■■ ■■■■
■■■■ before the Court forthwith;
- (c) Grant sole and exclusive *interim* physical and legal custody of the minor child to the Petitioner-father forthwith;
- (d) Direct the Resp. to return to Singapore with the minor and to facilitate the continuation of the minor's education at Wise Oak International School, Singapore;
- (e) In the alternative, permit the Petitioner-father to take the minor back to Singapore and to continue his education at Wise Oak International School, Singapore, with directions for video-call access to be made available to the Resp..

Part-I.

Observing that, while deciding Appln.(Exh.No.7), the Family Court has not considered certain aspects; the Hon'ble High Court [Order Dtd. 13.02.26 FCA No.56/25] while relegating the Petition directed this Court to consider the pointed out aspects and directed this Court to decide an Appln., afresh. The gist of observation/directions reads thus :-

Observation.

- [i] Fundamental prayer for production of child and to hand over the custody – not considered.
- [ii] Though specific averments made about child's potential / developmt at Singapore by the father and point that child was deprived to such facility – those were not considered.
- [iii] Conduct of the parties, allegations of ill-treatmt, counter allegations, D.V, misconduct, emotional abuses, psychological harm – these are the points to be considered after full fledged trial.
- [iv] Who would be in a better position to take care of the child – not considered.
- [v] To consider the child was at Pune from 2016 to 2022, shifted to Singapore in 2022 and continued to reside there until he was removed on 10th March 2025.

Directions.

To focus upon the welfare of the child, to consider - since the year 2022 till his removal, the child was residing at Singapore thus,

while deciding Appln.Exh.No.7 to consider that welfare of the child is paramount importance.

Note be taken, Objection as raised by Ld.Adv. for the mother about maintainability of the FCA; and an Objection of the father about Jurisdiction of F.C. both these objections were rejected by the Hon'ble High Court. (Thus, during the flow of argumt though submissions were made in that regard – those are not considered even not noted in Order).

For the sake convenience, hereinafter parties are referred to as “the father” and “the mother”.

Part-II.

Staple Fact/s :-

- (i) Fundamentally, its a Petition presented U/Sec.12 of the GAWA.
- (ii) The Ld.P.O. of the Regular Court No.8 vide its Order Dtd. 19.05.25 disposed off an Appln. Exh.No.7.
- (iii) Being aggrieved and dis-satisfied by the said Order, the father preferred FCA No.56 of 2025.
- (iv) The Hon'ble High Court vide its Judgmt and Order Dtd. 13/02/26 set aside the Order and directed this Court, to decide Appln.Exh.No.7, afresh, consonance with the directions, mentioned above.

Part-III.

Sub judice / decided proceedings between the parties.

1. FCA No.56/2025, Hon'ble Bombay HC. Decided on 13/02/2026.
2. Cri.MA No.4936/25 – Complaint filed U/Sec.137 BNS, 2023 for kidnapping/abduction of child from lawful guardianship.
3. Cri.MA No.3821/25 – pending before the Ld. Magistrate (JJ). Allegations - cruelty to minor.
4. Cri.MA No.1970/25. Notice issued for threats/IT Act offences against the Resp. and her father.
5. WP No.18191/2025. *Habeas Corpus* Petition filed by the father.
6. Cri.Appeal No..../2025 [arising out of SLP (Cri.) No.21094/25. Disposed off by the Hon'ble Apex Court on 19th Feb., 2026.
7. IA No.334330/2025 in Spl.Leave to Appeal (Cri.) No. 21094/25. Order Dtd.22.12.2025 passed therein “However the Order dated 19.05.25 passed by the Family Court, Pune shall be given full effect. 2nd Order Dtd.19.02.2026 – This Court vide an Order dated

22.12.2025, stayed the operation of the impugned order and restored the Family Court's decision dated 19.05.2025. Since the period specified in the High Court order has already expired, the impugned order has become unworkable. The same is, accordingly, set aside.

8. RTC case – U/Sec.498A r/w Sec.34 of the IPC.
9. Singapore Family Justice Court. FC/OAG No.71/2025. Final.
10. Summons for an Order of Committal issued by the Singapore Court Dtd.08/01/2026) for the Resp.'s non- compliance.
11. Complaint before NHRC – Dtd.08/01/2026.
12. Case No.18/99/4/26 registered against the Resp. for on going human-rights violations.
13. As the father alleged that, the mother has not provided video call access and as there is a breach of Courts Order, he filed Contempt Petition/s bearing Exh.No/s.49, 50, 51, 52, 53 [Dtd. 09.09.25]. Exh.No.54 – U/Sec.7 and 12 of the GAWA. Exh.No.42 – Contempt Dtd.30.06.25, Exh.No.41 – Breach of Order Dtd. 30.06.25 And another four Exh.No/s.82, 84, 86 and 88 – Contempt of Order Dtd.22.11.25.
14. For perjury and other allegations – Cri.MA No/s.21/25, 28/25 and 29/2025 are filed.
15. PWDVA No.424/2025.
16. “A” Petition also presented by the Mother/Wife. (Number not provided).
17. Missing Complaint at Singapore – Dtd.12.03.2025. [Note be taken – Petition at Singapore Court filed on 04.04.2025 and Present Petition is filed on 05.04.2025.]
18. Petition filed U/Sec.125 of the Cri.PC. (Number not provided).

[2] Argument.

[A] Smt.Katariya, Ld.Adv. opened her argument, thereby submitting that, in the Order Dtd.22.12.2025 passed by Hon'ble Apex Court it is mentioned that, the Order Dtd.19.05.2025 passed by the Family Court, Pune **shall be given full effect** thus, though there are directions in FCA 56/25, this Court cannot re-decide Appln. Exh.No.7. This give pause in effective hearing on the Appln.

However, thereafter this Court go through the record, called the copies of Order/s and then pointed out that, vide Order Dtd. 19.02.26 said Appeal came to be disposed off. Thereafter, Smt. Katariya, Adv. argued the matter.

[B] Regard must be had, Mr.Sarwate, Ld.Adv for the Father argued for three dates. Smt.Katariya, Ld.Adv also advanced her argumt in two sessions. When the Court is prepared to pass an Order, Ld.Adv. for the husband placed on record Written Notes of Argumt which consists of 77 Pages, Smt.Katariya, Ld.Adv also filed WN Of Argumt, which runs in 15 pages. I cannot prevent from mentioning here that, a Judge is also a Human Being. Much time is consumed in argumt/reply/re-reply etc. still this Court permits them to do so so that, again there should not be one of the ground to say – fullest audience is not given to them.

Mr.Sarwate, Ld.Adv. raised various point/s, some amongst them are summarized as below :-

- (1) Unlawfulness of detention of child by a mother. Matter reached upto the the Hon'ble Bom.High Court also the Hon'ble Apex Court.
- (2) Singapore Family Justice Court has passed a custody order Dtd.25/07/2025. Same is not complied with. Contempt proceedings is commenced against the mother.
- (3) Singapore and India are reciprocating countries. The Ld. Magistrate vide its Order Dtd.29/10/25 passed in Cri.MA No. 4936/2025 issued Notice to the mother for kidnapping/abduction of child from lawful guardianship of father.
- (4) Thus, without delay custody must be restored to the father, so as to take him at Singapore.
- (5) Since last 13 months the child is in unlawful custody.
- (6) At Pune, no settled school routine as compared to child's prior international curriculum.
- (7) Despite Court's Order, the mother denied the access, the son is being threatened by the mother that she will commit suicide.
- (8) Even the Family Court also observed that, the child has been instigated against the father. Thus, the Hon'ble Bom. High Court directed to dispose off Exh.No.7 considering the welfare of child.

- (9) The welfare of the child is the sole, paramount consideration. The principle as laid down in case of Rosy Jacob V/s. Jacob is binding upon this Court.
- (10) What is expression "welfare of the child" is also noted in the Written Notes of Argumt.
- (11) Habitual residence of Child is Singapore. Thus, situation as on the date, when the child was abducted, must be considered.
- (12) Religious ceremonies like *munj* was performed at Singapore.
- (13) For considerable period they resided there, went for International holidays and outings however, during that period not a single complaint was made by the mother against the father.
- (14) On 09/03/2025 when the father was on his business trip, the mother removed the minor child from Singapore to India. The father is a natural guardian U/Sec.6 of the HM&G Act, 1956.
- (15) Removal of child was premeditated plan. Though joint Singapore Permanent Residence (PR) Appeal came to be rejected; still the family's right to reside in Singapore did not depend on PR.
- (16) On 10th March 25 the mother falsely contacts the Singapore Anti-Violence helpline. Its nothing but deliberate attempt to create a evidence.
- (17) Legal notice was issued to the mother through Adv. at Singapore.
- (18) Statement of Ld.Adv. for the wife is misleading that, in view of Order of Hon'ble Apex Court, Appln. cannot be decided.
- (19) Referred various e.mail/s written by the parties to each others and school.
- (20) As the child was removed, he lost his peer-group, class-teachers, friends in Singapore. Compare to the Bal Shikshan Mandir, school/s at Singapore are better for child's education.
- (21) A unilateral-removing parent cannot claim the benefit of any "settled status". Reliance was placed on case of - Lahari Sakhamuri V/s. Sobhan Kodali (2019) 7 SCC 311.

Smt.Katariya, Ld.Adv. for the Mother advanced oral argument; also placed on record Written Notes of Argumt, which consists of 11 Pages. Gist thereof is as below :-

- i.** Relationship between the parties is admitted. But, there were continuous disputes, incompatibility, emotional instability between them.
- ii.** In the month of July, 22 the couple shifted at Singapore a/minor child but, meted with mental harassmt at the hands of the father.
- iii.** Extra marital affair of the father with one Ms.Alisha Tamang (maid).
- iv.** In Dec.2023, the mother left the Singapore and returned to Pune a/with the child due to the deteriorating matrimonial circumstances. Thereafter, the father came at Pune, tendered apology thus, mother again went to Singapore in the month of January 2024. Still the behavior of the husband is not changed.
- v.** Visa Issues, Threats and Return to India.
- vi.** Rude behavior and conduct of the father adversely affects the emotional and psychological well-being of the minor child.
- vii.** Before the Hon'ble High Court, the child expressed his wish to stay with the mother. Thus, wish of the child is paramount consideration.
- viii.** In school at Pune (MES Bal Shikshan School), the Head of the School certified the developmt and welfare of the minor child. Which exhibits - the child is mentally, socially, physically, and academically fit and stable at Pune. And he is securing good marks in school, actively involved in cultural, social, and extracurricular activities. Thus, settled custody should not be disturbed.
- ix.** Drawings, writings, creative work prepared by the child shows his intelligence thus, child is flourishing at Pune thus, custody should not be disturbed.
- x.** The father has made a totally misleading statemt as regards the Permanent Residency ("PR") status in Singapore because the Husband is has right to remain in Singapore dependents upon his employmt and Visa conditions. And in case of loss of employmt, he has no option but to return to the India. Thus, Singapore is not permanently stable jurisdiction for the child.
- xi.** Communications made between the parties and documts placed on record itself exhibits that, the father himself assured the wife and permitted her to return to India with the child.
- xii.** At Singapore, the wife/mother borne the medical expenses of the child. From the chats/messages exchanged with Ms.Arunima Lal, it is abundantly clear that, the husband used to assault the wife. Further he is

facing allegations of DV. Thus, wife contacted the Indian Embassy in Singapore seeking guidance and assistance.

xiii. The wife/mother has genuine apprehension regarding her safety. If child is returned with the father, his education will be hampered. No suicidal note was written by the child. The Child is having hobby of writing English songs/creative content and therefore, no adverse inference could be drawn from isolated writings made by him.

xiv. On 16th March 2026, on the occasion of the child's birthday, the child met his grandmother and great-grandmother and spent time with family members.

xv. The father always tried to manipulate and alienate the child from the maternal side of the family.

xvi. Mr. Raj Agarwal, CEO of Vsynergize, also reported about the misconduct of the husband during the employment.

xvii. The Husband/father is facing complaints regarding his conduct with female colleagues and inappropriate behavior in office staff.

xviii. Statutory Certification is not provided by the husband to prove the electronic evidence.

xix. E-mails and communications between the parties to this Petition and Sri Sri Ravi Shankar and his office/secretary speaks itself. The wife is much concern with future and emotional well-being of the child.

xx. Our country is not a Signatory to the Hague Convention on the Civil Aspects of International Child Abduction. Thus, allegations as regards the alleged abduction of the child, cannot be taken into consideration.

xxi. Though there is an Order of Singapore Court, still the Court at our Nation should assess independently the dispute as regards the custody, guardianship.

xxii. Transcripts of audio conversations between the Husband and maid /helper Ms. Ruth Singh is placed on record. Further said transcripts indicate that the husband used to physically assault the wife.

xxiii. Custody and welfare must be considered keeping in mind the overall environment to which the child was exposed while residing with the father. The husband cannot initiate the parallel proceedings. We need to consider the overlapping prayers.

xxiv. By way of present Appln. the husband/father is trying to secure the final reliefs.

xxv. At an *interim* stage detailed evidence cannot be lead/considered. Allegations regarding welfare, parental fitness, domestic violence, emotional impact upon the child, and surrounding circumstances can only be conclusively assessed after full fledged trial.

xxvi. If Appln. is allowed it amt to granting the final relief, without trial.

xxvii. Foreign-residence of the husband, his employmt, immigration status at Singapore is uncertain. Thus, if the custody is handed over to the father it would be contrary to the welfare and stability of the child.

PART IV

General Notes :

- a) [REDACTED] is born 16/03/2016. He is Indian citizen.
- b) relationship between the parties is not disputed.
- c) Marriage solemnized on 18/03/2012 at Pune.
- d) From birth until April 2022 [REDACTED] was admitted to Millennium National School, Pune. In June–July 2022 the parties went to Singapore, where the child was admitted first to GIIS International School and thereafter, from Sept.2024, to Wise Oak International School, Singapore.

Beside the above, note be taken that to facilitate the access to child, with consensus of the Parties, independent Adv. was appointed as a Court Commissioner. First Court Commissioner filed detail Report, reported non co op and refused to act as a Court Commissioner. Another Adv.Smt.Anju was appointed as a Court Commissioner.

Authoritative pronouncement/s. (Mr.Sarwate, Ld.Adv.).

- I. Elizabeth Dinshaw V/s. Arvand M. Dinshaw, (1987) 1 SCC 42. **Ratio** :- the removal violated a U.S. custody order..emphasised on the comity.
- II. Surinder Kaur Sandhu V/s. Harbax Singh Sandhu, (1984) 3 SCC 698. **Ratio** :- removal of a child from his habitual residence without the consent of the other parent is detrimental to the child's welfare.
- III. Dr. V. Ravi Chandran V/s. UOI (2010) 1 SCC 174. **Ratio** :- The mother's act of bringing the child from the U.S. to India without the father's consent was held to be wrongful.

- IV. Shilpa Aggarwal V/s. Aviral Mittal, (2010) 1 SCC 591. **Ratio :-** custody disputes to be decided by the Courts having the closest connection to the dispute.
- V. Arathi Bandi V/s. Jagadrakshaka Rao, (2013) 15 SCC 790. **Ratio :-** where a parent removes a child to India in contravention of a foreign court order, that parent cannot avail themselves of any remedy founded on her own wrong.
- VI. Nithya Anand Raghavan V/s. NCT of Delhi, (2017) 8 SCC 454. **Ratio :-** the welfare principle is paramount.
- VII. Prateek Gupta V/s. Shilpi Gupta, (2018) 2 SCC 309. **Ratio :-** "Intimate contact" and "closest connection" are to be evaluated factually; comity must be respected.
- VIII. Kanika Goel V/s. State of Delhi, (2018) 14 SCC 715. **Ratio :-** the question is not the parents' rights but whether return to the country of origin is in the child's best interest.
- IX. Lahari Sakhamuri V/s. Sobhan Kodali, (2019) 7 SCC 311. **Ratio :-** removing parent cannot claim benefit of settlement post the wrongful act.
- X. Yashita Sahu V/s. State of Rajasthan, (2020) 3 SCC 67. **Ratio :-** principle of comity of courts and the welfare of the child are not mutually exclusive but mutually reinforcing.
- XI. Tejaswini Gaud V/s. Shekhar Jagdish Prasad Tewari, (2019) 7 SCC 42. **Ratio :-** welfare of the child is paramount; technical pleas yield to it.
- XII. Komal Arora V/s. Anand Arora & Ors. (in re unilateral cross-border removal) **Ratio :-** Sufficiency-of- integration test; primary duty of removing parent to inform the other; relevance of the closest-connection doctrine.
- XIII. Rajeshwari G. V/s. State (and connected cases on wrongful retention). **Ratio :-** maximum-contact principle; promptness of remedial steps; absence of any legal custody order in favour of the removing parent.
- XIV. Nilanjan Bhattacharya V/s. State of Karnataka, (2023) 2 SCC (Civ) 587. **Ratio :-** Reaffirms the welfare- paramount principle and the application of comity in inter-jurisdictional custody disputes; also lays down indicative criteria of the parent's active role in upkeep, education and well-being.
- XV. Rohit Gowda V/s. State of Karnataka (AIR Online 2022 SC 1154). **Ratio :-** reiterating the welfare-paramount principle in custody disputes.

XVI. Vivek Singh V/s. Romani Singh, AIR 2017 SC 929. **Ratio** :- the psychological harm to the child and the necessity of protecting the child's relationship with both parents.

XVII. Beside the above, Mr.Sarwate, Ld.Adv also placed his reliance on the case law/s i.e. Vivek Singh V/s. Romani Singh. Ashish Ranjan V/s. Anupama Tandon. Col.Ramneesh Pal Singh V/s. Sugandhi. Aggarwal RuhiAgrawal V/s. Nimish S. Agrawal and ABC V/s. NCT of Delhi.

[3] Again Mr.Sarwate, Ld.Adv placed his reliance on various case laws, mentioned below :

- Rosy Jacob V/s. Jacob (1973) 1 SCC 840
- Mausami Moitra Ganguli V/s. Jayant Ganguli, (2008) 7 SCC 673
- Gaurav Nagpal V/s. Sumedha Nagpal, (2009) 1 SCC 42
- Roxann Sharma V/s. Arun Sharma, (2015) 8 SCC 318
- Athar Hussain V/s. Syed Siraj Ahmed, (2010) 2 SCC 654
- Tejaswini Gaud V/s. Shekhar Jagdish Prasad Tewari, (2019) 7 SCC 42
- Nilanjan Bhattacharya V/s. State of Karnataka, (2023) 2 SCC (Civ) 587
- Rohit Gowda V/s. State of Karnataka, AIR Online 2022 SC 1154
- Surinder Kaur Sandhu V/s. Harbax Singh Sandhu, (1984) 3 SCC 698
- Elizabeth Dinshaw V/s. Arvand (1987) 1 SCC 42
- Dr. V. Ravi Chandran V/s. UOI, (2010) 1 SCC 174
- Shilpa Aggarwal v. Aviral Mittal, (2010) 1 SCC 591
- Ruchi Majoo V/s. Sanjeev Majoo, (2011) 6 SCC 479
- Arathi Bandi v. Bandi Jagadrakshaka (2013) 15 SCC 790
- Nithya Anand Raghavan v. State (NCT of Delhi), (2017) 8 SCC 454 / AIR 2017 SC 3137
- Jitender Arora V/s.Sukriti Arora, (2017) 15 SCC 294
- Prateek Gupta V/s.Shilpi Gupta, (2018) 2 SCC 309
- Kanika Goel V/s.State of Delhi, (2018) 14 SCC 715
- Lahari Sakhamuri V/s.Sobhan Kodali, (2019) 7 SCC 311
- Yashita Sahu V/s.State of Rajasthan, (2020) 3 SCC 67
- Komal AroraV/s. Anand Arora.(unilateral-removal)
- Rajeshwari G. (and connected wrongful-retention cases)
- Vivek Singh V/s. Romani Singh, AIR 2017 SC 929 — explicit recognition of PAS

- Ashish Ranjan V/s. Anupama Tandon, (2010)
- Col.Ramneesh Pal Singh V/s. Sugandhi (2024)
- Ruhi Agrawal V/s. Nimish S. Agrawal, (2025)
- ABC v. State (NCT of Delhi), (2015)

[4] In so many authoritative pronouncement, time and again, it has been observed by the Hon'ble Apex Court as well as Hon'ble High Court that, if a Judge is to write detailed orders at different stages merely because the counsel would address argumts at all stages, the snail-paced progress of proceedings in trial Courts would further be slowed down. Thus, it is quite unnecessary to write detailed orders particularly in such types of cases. Thus, regard must be had to the observations laid down by the Hon'ble Bom.High Court in FCA 56/2025. Thus, rather than the legal right of the parents, we need to see the welfare of the child.

[5] Before that, I cursively deals with the casual allegations as made by the mother viz. while residing at Singapore, the husband was seen in objectionable position with their maid, his extra marital affair, alleged transcripts of audio conversations between husband & maid, his alleged apology, misleading statemt as regards the "PR" status, continuous disputes, incompatibility, emotional instability, deteriorating matrimonial circumstances, mental harassmt, one time mother borne the medical expenses of the child, approaching to the Indian Embassy, what is/was her apprehension, overlapping prayers, such an issues/points (no doubt, definitely carry the weightage) however, at this stage, rather than the allegations and right of the parties, we need to deal with only one aspect – in whose lap the future of child is safe. I reiterates, its a very easy make the casual allegations as regards the chastity. But, those needs cogent evidence. Still for a moment held that – the husband is a person of loose character still does it mean – he is a bad father. Answer is obvious – Big

No. Settled legal proposition is that parents “bad character” or moral failing do not automatically disqualify them from gaining child custody because Court always prioritize the child's best interests i.e. emotional, educational, and physical welfare over a parent's private conduct. Beside the above, Mr.Katariya, Ld Adv for the mother also raised various other points. But, what misconduct the father did during his employment, what Mr.Raj Agarwal, CEO of Vsynergize reported against him, against which female colleagues/staff the behaviour of the father was inappropriate etc. etc it will be considered at appropriate stage, certainly not at this stage.

[6] Further, when Mr.Sarwate, Ld.Adv himself withdrew his objection as regards the Jurisdiction, point as raised that, our country is not a Signatory to the Hague Convention on the Civil Aspects of International Child Abduction, is not considered. Further, why Jt. Singapore PR Appeal came to be rejected; whether family's right to reside in Singapore depends on PR or not, these aspects also need no discussion at this juncture. It is beyond my understanding when the Order of the Hon'ble High Court, why both the Ld Senior and seasoned Adv/s vociferously canvassed those points before this Court. Be that as it may, I simply states, definitely those will be considered but after full fledge trial; certainly not at this juncture.

[7] It is evident that, the parties are not layman. The father did International Business (UK); B.Sc. (Computer Sci.); PG Cert.in Entrepreneurship, Developmt & Management. He is serving as a Vice President, Neutrinos (since 15/08/24). He is in Sr.Leadership across the global Co. having stable income. According to him, he made huge investmt in multiple insurance Co., FD, properties, offshore investmts. Thus, having international, broadly - trained academic profile. Mother is also M.Sci. in Computer Science. This Court is aware that, merely the

husband/father is having much facilities or he is a wealthy person doesn't mean, all these things qualify him get automatic custody of child. Even a mother (having limited resource) can very well maintain her child. Thus, am not deciding the Appln. merely on the basis of financial status but, we need to see – where the welfare of child is safe. Thus, though Mr.Sarwate, Ld.Adv. raised the Points that, maternal household environmt is hostile to the welfare and safety of the minor, am not ready to accept it. After all, from the point of view of mother as well as her parents the child is beloved to them. Allegations that, maternal grandfather Dilip Sangam and Onkar Sangam threatening the Petitioner he "will cut the child to pieces. Or used abusive language, or humiliated him by saying they will make him naked, color his face black or uttered words like donkey, bhadwya, thombya etc. at this stage, it cannot be considered because – what is dispute between the Husband & Wife OR husband and his maternal relation is immaterial, important is - where the welfare of child is safe.

[8] It is contention of Mr.Sarwate, Adv that, “the mother used to give threat to commit suicide or that she will cause self-harm and its nothing but tactic used to prevent the meeting of child & father”. There is no place for vindictive action. Such allegations will be considered at culmi - nation. Further, attention of this Court is invited towards some writing reduced by the child. *Prima facie*, we may say that, the child to some extent suffers from distress; still am not convinced with the alleged statement of child that, "Aba [maternal grandfather] locks him in the bathroom and beats me." simple reason to disbelieve is - there is a proverb in vernacular – नातु आजोबाचा मित्र असतो. Thus, such an allegations against ajoba *prima facie* appears to be concocted one.

[9] A bold statement is made that, in the year 2014 in presence of Dr. Vidya Sathe and Dr.Ravindra Sathe, the wife threatened to jump from balcony. Had it been, definitely, it cannot be taken into in a lighter mode but, to prove the same, cogent evidence is needed, for that we need to wait till full fledged trial. Meantime, at the most it can be considered merely as a conduct that too considering the overall manner in which the Wife engaged herself to book, arraign and prosecute the husband, at bottom to top level. Number of litigation she initiated expressly exhibits that she has forgotten that, the Petitioner is the janak pita of their child. The husband, from she is expecting huge monetary assistance but, not exhibited a single word that she is ready to patch up. Pious duties of a wife towards her husband, nurturing the home, maintaining the respect, providing emotional support in traditional and religious perspectives, managing the household diligently, communicating with kindness, creating welcoming environment – these appear to be foreign terms to her. Keeping the marriage vows, caring for her husband physically and emotionally, praying for him, and seeking his good in all things is expectation however she treated him as if he and his family is her seven generation enemy thus, in the company of such a woman, the future of the Child is not safe. If he heard the poisonous words day-to-day for his papa, his bonding with his dad would definitely be ruined in a very short time. Thus, to save such a lovely relationship of Bap and Mulga, according to me, it would be better for child's future to rest in the nest of his father.

[10] I must say that, whether the family members of the wife are suffering from ailment, or mood disorders or they have some medical history or at one point of time they were treated by Dr.Shailish

Chougule, all these things cannot be considered while deciding the present Appln. Though the husband blamed the environmt in which the minor is presently being raised, am also think it irrelevant. Because after all they are also well wishers of the child. They are not stranger to him.

[11] There is a proverb शितावरुन भाताची परिक्षा From the Whats App messages Dtd.24/03/25, 30/03/25, 06/04/25, various correspondence, it appears that, the mother conveyed to the father that, "Me and [REDACTED] both do not want to meet you or speak to you." Further the [REDACTED] is frightened to core, he doesn't want to speak to you." "Your crooked behavior and torture has already frightened [REDACTED] to core." Further, from the communication made by the child that, it appears he informed to his father that his mother blocked him and grandmother and grandfather (i.e. parents of the wife) didn't want to see the messages of their javai (son in law). Even it appears that, the the mother threatened the child - she would jump from the window if he did not obey. At certain time, he called his father as a "devil". It appears that the child was forced to say he will not see his father alive".

[12] If a child of tender age came across the messages like this, it would took not much time to form a concrete adverse opinion about the person against whom he is poisoned. Thus, to safeguard the bright future of child, the situation warrants his urgent removal from the mother. Else, for her ego she may use the child as a weapon against the father. Be that, regards must be had that, we cannot read the documts in piecemeal. Electronic record will be considered at relevant time.

[13] The wife engaged herself to litigate against her husband at every level. General experience is that, the wife often seeks to "win" emotional

safety, partnership, and consistent, proactive love. The core need is frequently to feel seen, cherished, and understood, rather than merely being cohabitants. But in this case, she is fighting by tooth & nail for material possessions. Thus, in her custody, I do not see the good prospectus of the child.

[14] She is facing allegation that, despite Courts orders, by one or another reason, she refused to give the access. She totally forgotten that, the child belongs to both. In a legal battle between the wife and husband, she is utilizing the child as a pawn. Several missed calls from the father, report filed by the Court Commissioner; whispers during audio calls despite surveillance, asking the child to send a text to his father that You are not my father clearly demonstrates that, the child is being pressurized by the mother. The principle that Courts assist those who obey the law rather than those who willfully disregard it is foundational to the legal system. Whether disobedience was willful or not, will be taken into consideration after full fledged inquiry but, what I perceived from the entire observation of case and hearing of the Court Commissioner, the Wife/Mother not obeyed the Court's order in true letter and spirit. If upon culmination, it is proved, she will be heard the music of law. Once judicial order is passed who ever he/she may be, cannot refuse to obey it. And if did so, at appropriate time, he/she will face the consequences. In short, I see that future of tender age child would not safe in the custody of such a disobedient person.

[15] This Court also interviewed the child. That time, [its my personal observation] the the child was much influenced by the mother. When there is Court's order to have a talk between the Child & Father, creating an obstructions therein is nothing but disobeying the Court's Order. She

has no right to deprive the father to meet his own child. Children are not 'chattels'. Already this Court observed in its Order that, "if one has to beg and plead to meet and speak with one's own child, then nothing can be more painful than this". Thus, the wife/mother cannot treat the child as per her whims. She cannot deprive the biological father to meet his own child. It is evident that, physical access to the father is being denied. No doubt, at the time of death of Petitioner's grandfather or on the eve of B.Day, the son visited the father's house at Pune but, that doesn't mean, thereby, the mother has made some arouse upon the relation of the Petitioner. After all she is the Bahu of that family. Blocking of Call/s, some time disconnecting the calls, and tendering lame excuses exhibits the conduct of the wife/mother. Its nothing but a alienation by the Resp./mother, which disqualify her from retaining the custody because if in such a quarrelsome company the child lived, it would badly affects his thinking level.

[16] The father has made various other points like – coercion, active obstruction, suppression of the paternal family from the minor's life, act against the child's wishes, isolation of minor, creating hostile atmosphere etc. however, considering the limited arena of this Appln., those points will be considered at appropriate time, not at this juncture.

[17] Am *prima facie* convinced that, the child has been instigated / influenced against the father. Its nothing but an act of alienation. One of the reason to record such a findings that, - as observed by this Court as well as the Hon'ble High Court – the child is intelligent, giving rational answers to the questions put still, it appears that, he suffers from some “trauma”. We cannot ignore that, a child of 10 Yrs.old allegedly wrote a lyric about the death. Thus, this being a Family Court, need to consider

the situation in which at present he is living. Prevention is better than cure. We need to consider each and every aspect very carefully. Thus, I see urgent need for removal of custody of child from the mother.

[18] A Child does not wish to meet the father, this is an excuse tendered by the mother. Assumes – in one fine morning of Monday – parents asked the child to wake up and be ready for the school. Suppose that time, child said – he does not wish to go to the school. In such a situation – whether parent would say – as the child does not wish to go to the school, let not compel him to attend the school. Another aspect – suppose child is suffering from ailment. Parents prepared to took him at Dr. but, child said – I do not want to visit the Dr. Whether in such a situation – wish of the child will prevail.? Like this, what the child says is not important, important is – what is best suitable for child's welfare (despite his resistance) and who is the person who apply his mind/think in the perspective. And then said person is called a well wisher.

[19] In short, what is the wish of the child is not important. We have to take a decision – what is good for the welfare of the child. Thus, repeated argumt that the child does not wish to meet the father, cannot be accepted. We cannot ignore that, for a considerable period the child resided with his father at Singapore.


[20] In this case, the father appears to be financially capable to admit his son in Cambridge-curriculum schooling, his healthcare and enrichmt. He is available for child's care. He always used to travel not disqualify him to get the custody of his own child. His Paternal grandmother is prepared to remain with the child. He is having 3BHK Apartmt. at Singapore (gated community, parks, schools nearby), full-time domestic

helper, separate room for child. These things definitely shows that, he is much capable to nourish his own child. No doubt, the maternal side of the child also flourishing love upon him; still, blood is thicker than a water. As a biological father, what the Petitioner would think, (perhaps) nobody from the maternal side would think so.

[21] Another imp.aspect needs consideration is that, by exercising the *parents patria* jurisdiction, the Singapore Family Justice Court already passed an Order thereby, granted the custody of child to father. Even directed the mother to return the child to Singapore. Said Order is final. Had the wife/mother aggrieved or dis-satisfied by the said Order, she could have challenged it. But she opted to remain silent. Complying with a Court's order is not a matter of "sweet choice" or discretion for a party. Judicial decisions are binding, and willful disobedience or non-compliance is considered a serious matter that strikes at the very root of the administration of justice. The legal maxim that best fits the idea that Court assist those who follow the law. Several maxims and doctrines emphasize that law-abiding individuals receive legal protection and that legal actions should not unfairly harm them. In this case, it is evident that, the wife has not obey the standing Order of Singapore Court. Thus, am convinced with the oral submissions of Mr.Sarwate, Ld.Adv. that, Singapore being a reciprocating territory U/Sec.44A of the CPC, the custody order is enforceable in India. We need to see the "comity". Once the foreign order was made on welfare considerations, evading such a Judicial Order is not permissible.

[22] As regard the next argumt of Mr.Sarwate, Ld.Adv. that, the wife made false statemts on oath, fabricated evidence, suppressed material facts, filed false litigation etc., according to me, while deciding present

Appln. arena of discussion must be confined to – welfare of child. Quarrel / allegations / dispute between the parties cannot be considered at this stage. Even I go further and states that, right of the parents are not imp., what is imp. – it is the welfare of the child. Very limited points needs consideration – in whose lap at present the child would be safe from the perspective of his bright future.

[23] Considering all, according to me, at present father's lap is much safer, compared to the mother. I most respectfully states that, a mother carries a child for nine months, undergoes significant physical and emotional changes, culminating in intense labor pains thus her contribution is also precious; no doubt but, at the same time though not openly exhibited, true love of the father towards his child is always goes unnoticed. But when the parents themselves keep fighting based on their ego issue then, it is for the Court to act as a *parents patria*. Thus, I reiterates, except the welfare of , at this stage I consider nothing; doesn't mean raised points are excluded in its entirety – those will be definitely considered however, at culmination.

[24] The father and mother both have tried at their best to invite the attention of this Court to various electronic record. This being a Family Court, definitely considers the same having regard to the observations made in case of Vibhor Garg's case however, not at this stage, worry not Sec.14 of the Family Courts Act, 1984 gives special latitude to this Court to receive reports, statements, documents, or recordings that assist the Court in resolving a dispute, even if they are otherwise inadmissible under the strict rules of Evidence Act. In short, at present, mere welfare of child is the paramount consideration, the vindictive action or allegations made by the wife against the husband and *vice versa*, cannot

be considered. Definitely, those cannot escape from the sight of this Court. But, those will be considered at appropriate stage.

[25] Further, who committed the perjury, who made false statements, concrete findings cannot be made at this interlocutory stage. Filing a false affidavit or making a false statement in an affidavit no doubt, is a serious thing but, we need to see its consequences. Sec.340 comes into play only when – due to false statement one party has succeeded in getting favourable order which otherwise he/she would not have got. We also need to see the language as envisaged in Sec.191 of the Evidence Act. All depends upon whether such an attempt to obstruct the administration of justice. Such an action is not for personal revenge or vindictiveness because the Section is conditioned by the words "*court is of opinion that it is expedient in the interests of justice*". Further, note be taken that, already the criminal law was set into motion by filing Cri.M.A. U/Sec. 379 of the BNSS r/with Sec./s 227, 228, 233, 236 and 246 of the BNS.

[26] It is evident that, the wife escaped no forum to prosecute the husband. In one breath, she is unwilling to have meeting between father & child however, in next breath, she is demanding huge monetary assistance from the husband/father. She has to take the rose a/with thorn. Whether Cri.prosecution are false or true, it will be decided by the Competent Court. At this juncture, we may only say that, children are not 'chattels'.

[27] Mr.Sarwate, Ld Adv. in his lengthy written notes of argumt, take a pains to pen the anticipated objections by the Ld.Adv for the Wife/Mother. However, if we deals with such a anticipated objection, it

enlarge the Judicial Order. Hence, excluded from consideration. Another aspect is - nature and scope of inquiry of Petition under the GAWA is summary and not plenary. Thus, it is also duty of the court – to restrain the parties attempting to convert it into a mini trial. Otherwise, there will be endless litigation's.

[28] No one can dare to dispute the legal proposition as laid down in above noted authoritative pronouncement/s. After all the gist thereof is – welfare of child is the paramount consideration. Hence, with utmost respect I states that, relied case law/s are not discussed in detail.

[29] Smt.Katariya, Ld.Adv. argued that a final relief cannot be granted by way of an *interim* order. Agree. But, at the same time we need to consider the auxiliary nature, conduct of the parties, judicial Order which are in existence. The primary purpose of interim relief is to preserve the *status quo* or protect the rights of the parties until the main Petition is fully heard and decided on its merits. In this case, the mother is not obeying the Singapore Court's Order. We also needs to consider the "comity". Court at Singapore has passed an Order to handover the custody of child to the father. Everybody, including the parties to the Petition are duty bound to obey the same. Had the Wife/Mother aggrieved by that Order, who prevented her from taking an exception against that Order.?. She kept mum. Thus, now, its not her sweet choice/whims/caprices to say that, she would not follow the Judicial verdict of Singapore Court.

[30] When she was in suffering, it appears that, she take the assistance of Embassy situated in Singapore, dialed to the concern thus, when she herself submitted to the law of land of Singapore, she cannot say – she

would not follow the Verdict of Singapore Court, where admittedly she resided for considerable period a/with husband and child. Rather, according to me, she is bound thereby. The "comity of foreign judgment" refers to the principle where the Courts of one jurisdiction respect and recognize the judicial decisions of another Country. We need to consider the language as envisaged in Sec/s.13 and 14 of the C.P.C. Foreign Judgment are deemed to be "conclusive" and legally binding in India. Not a single word is mentioned in the pleadings or uttered in the oral submissions made on behalf of the other that the Court at Singapore was not competent to pass such an Order or while passing such an Order there was violation of principle of natural justice or there was some "fraud" practiced upon her. When she is not pointing out the finger towards it, how can she refuse to obey the Singapore Court's Order. And when on the face of record, it is evidence that, she is not obeying that Court's Order, she herself incurs disqualification from getting the relief from this Court. At appropriate stage, definitely the Court would consider the observation as laid down in case of Y. Narasimha Rao V/s. Y. Venkata Lakshmi.

[31] Needless to say, as the parties domiciled, habitually resides, and permanently lives at Singapore, that Court was competent to pass an Order. When *prima facie*, it appear that already there is intact judicial Order passed by the Singapore Court thereby, qualifying the Father to regain the custody of his own child, the Wife/Mother cannot evade it. We need to consider – only *prima facie* case, supported by sufficient initial evidence. Deep evaluation of material or to assesses the credibility, veracity, truthfulness of the contentions, at this juncture is not warranted.

[32] The "comity of courts" principle is applied much more flexibly in child custody / guardianship matters. If despite the Order from the Singapore Court, the wife/mother is not obeying the same, the Court cannot (that too at initial stage) remain as a silent spectator. No one can be permitted to play with the Court. The husband/father must get the fruits of the Order. We need to see the position on the date of passing of an Order by the Singapore Court. Note be taken it is "intact" yet. If such an order remains merely on the paper, it amounts extreme and irreversible injury to the father. Thus, beside the *prima facie*, according to me, balance of convenience also strongly tilts in favors of the husband /father. Legal principle is that - Courts Orders should not becomes mere "paper orders". The right to reap the fruits of an order is considered an integral part of the administration of justice. As the father was successful in getting the relief from the Singapore Court, he should not be deprived of the relief in a grueling Court battle.

[33] A deep-rooted conflict between the mother and father, their divergent intentions not only strained their marital relationship but has also adversely impacted their children. She is initiating the litigation as if the Courts are for her ride. Academic credentials and professional competence of the parties cannot be doubted however, in my view, welfare of the child would be served if the interim custody of the child is given to the father who is also the natural guardian. I further state the mother is fighting so that there should not be meeting between the son & father; whereas the Petitioner is fighting to meet his own child. We need to see the difference between two mentalities. This is a fit case wherein we need to break unwritten assumption that a mother is the only "natural" caregiver, while the father is merely the "provider. "Tender

Years Doctrine" cannot always be a rigid rule because father's love is as vital for a child's developmt as a mother's. Sec.25 empowers the Court if a child is removed from the custody of a natural guardian the Court can order the child's return if it's for the child's welfare. Father has rights to maintain meaningful relationships with his child in an increasingly globalized world. Law is no longer against either mother or father; it simply in favors the child's best future. Mere allegations of an adulterous liaison, cannot singularly constitute the determinative ground for denial of custody of the child to the father. The mother is not obeying the Singapore courts order, here she blatantly violated the access order passed by the Family Court. There should be an end to litigation (*interest reipublicae ut sit finis litium.*)

[34] In case of Yashita Sahu, the allegation were – the wife left the USA a/with the child, the husband filed Petition in that Country, gets an Order, thereafter, filed a Petition for *habeas corpus*. In that case, in para No/s.13 and 16 the point of “comity” is discussed. It is observed that, the doctrine of comity of courts is a very healthy doctrine. If courts in different jurisdictions do not respect the orders passed by each other it will lead to contradictory orders being passed in different jurisdictions. In para No.19 it has been observed that -

A child is not an inanimate object which can be tossed from one parent to the other. Every separation, every reunion may have a traumatic and psychosomatic impact on the child. Therefore, it is to be ensured that the court weighs each and every circumstance very carefully before deciding how and in what manner the custody of the child should be shared between both the parents.

[35] Thus, I conclude by saying that,

PART (A)

(i) there is standing order of the Hon'ble Singapore Court qualifying the Father to regain the custody of the child, (ii) said Order is intact, the wife/mother not opted to challenge it, (iii) child for considerable period already resided at Singapore, (iv) the Petitioner is not stranger to him, he is biological father of the child, (v) the numbers of the litigation's filed by the wife/mother itself exhibits that, rather than exploring the terms of settlement, she is much interested to fight the legal battle at every stage, which adversely affects the mentality of the child if continues to live with her, (vi) "comity" principle also casts duty on this Court that, Order of Singapore Court must be nontenured, (vii) loose allegations that, the father is having affair with the maid, not disqualify him from getting the custody of his own child and that too when the Court at Singapore has passed specific Order in that regard, (viii) admittedly the father is having sound financial status. (ix) For considerable period viz. from June 2022 to 10/03/2025 — i.e., 33 months, XXXXXXXXXX resided at Singapore, he is well aware about the education, environment and residence in Singapore. (x) He has relation of father's there to take his care, (xi) he has uninterrupted schooling at GIIS, then Wise Oak International — both Cambridge-curriculum institutions, (xii) family rituals like Munj of the child were performed in Singapore, (xiii) definitely he could have school friends, neighborhood and play associations in Singapore, (xiv) the father appears to be financially capable to admit his son in Cambridge-curriculum schooling, his healthcare and enrichment. He is available for child's care. (xv) He always use to travel not disqualify him to get the custody of his own child. (xvi) His Paternal grandmother is prepared to remain with the child. (xvii) He is having three - BHK Apartmt at Singapore (gated

community, parks, schools nearby), full-time domestic helper, separate room for child. (xviii) comity and Sec. 44A CPC. These things definitely shows that, father is much capable to nourish his own child than the mother. Further,

PART (B)

(i) If child remains in custody of mother, he always miss his father (ii) Considering the number of litigation's initiated by the wife, there is no possibility that, if father visits her house, she would permit him to meet his own child, (iii) when at the maternal home, the child remains in such a atmosphere where – mother, in laws, maternal uncle all members residing in the family always talks negative things about the father of said child – which badly affects the shape of thinking in this tender age. *Per contra*, (iv) if child lives with the father, may be in future, for the eros and love towards her son, the mother may join the husband or (v) on the cause of meeting through the medium of video linkage, she may be in touch with the husband, which may save their sacrosanct relation.

PART (C)

[36] Considering the age of the child, his previous stay at Singapore, fact that he is well verse with the atmosphere of said country, if he is not restored to his original position, he would become prey of vindictive action. Ego and clashes between the Wife and Husband if going on in a fashion and speed like present, ultimately it badly affects the entire career of such a budding rose. In his crucial time he requires healthy atmosphere to become more healthy, confident or successful. Otherwise, his stay in a alienated atmosphere diminish his blossom. The Court is well aware that both mother and father plays crucial, distinct and complementary roles that are vital for a child's holistic developmt.

However, in this case when the Father and Mother of such a child left no legal office of whose door they missed to knock, then the Court comes into picture, plays a role as a *parents patria* and after churning entire record, am of the view that from the wake of cognitive growth, social competence, to promote independence, foundational nourishment to secure his base, it will be in the welfare of the child [REDACTED] to be best for his interest to reside with the father. Thus, if the child is restored in the fathers lap, no prejudice would be caused to the Resp. / mother. As and when she wish and desire, she will contact with her child. Even as appears from the prayer clauses, the father has no objection therefor, rather he is asking the wife to accompany him.

[37] Conspectus of above, child's potential / developmt at Singapore, point that child was deprived to such facility, considering that, the child shifted to Singapore in 2022 and continued to reside there until he was removed on 10th March 2025, thus, [excluding the conduct of the parties, allegations of ill-treatment, counter allegations, D.V, misconduct, emotional abuses, psychological harm] welfare of the child lies with the father and the father would be in a better position to take care of the child. Hence, am inclined to allow the Appln. in part. But, I make a concluding remark that, considering the manner in which the wife fought the legal battle, I have sound reason to strongly believe that, rather than observing the Courts Judicial Order, she again engage herself in fighting the unending legal battle hence, when partly allowing the present Appln., certain stringent conditions needs to fasten. Hence, following Order :-

O R D E R.

Part – I.

- 1) Application Exh.No.7 is partly allowed.
- 2) The Resp./Wife/Mother is hereby directed to restore the custody of minor son Master [REDACTED] G [REDACTED], to the Petitioner / Husband/Father, forthwith.
- 3) A prayer to issue directions to the Resp./Wife/Mother to return to Singapore, is rejected.
- 4) The parties are Father and Mother of minor child thus, they better know where the academic welfare of minor child lies thus, a Prayer about continuation of the minor's education at Wise Oak International School, Singapore is rejected. He/She/They may admit their beloved son in any school, as they wish.
- 5) As the Petitioner/Father himself made a prayer thus needless to mention, Resp./Wife/Mother would have right for video-call access with the child. Both the sides to decide the same unanimously.
- 6) Costs shall be cost in cause.
- 7) Nothing shall be construed as discussion on merit or de-merit of the case. This being interlocutory order will have no binding affect on final hearing of the Petition.

Part -II.

- 8) For expeditious disposal, additional conditions were imposed and separate Order is being passed below Exh.No.1 in that regard.
- 9) Separate order as regards disposal of various Contempt Appln/s and perjury Appln/s. is being passed below Exh.No.1.
- 10) Copy of this Order be supplied to both the side, free of costs. Providing the copy by digital mode like *E.mail* or pen-drive shall be considered as a deemed compliance.

(Ganesh Ambadas Ghule)

Date : 16/05/2026.

I/c. Judge, Family Court No.8, Pune.