



1

MA-1488-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

&

HON'BLE SHRI JUSTICE ALOK AWASTHI

ON THE 5th OF MARCH, 2026MISC. APPEAL No. 1488 of 2026*VASUDEV DANGI**Versus**SMT. PUSHPA BAI*

.....
Appearance:

Shri Anshul Shrivastava, Advocate for the appellant.

.....

ORDER

Per. Justice Vijay Kumar Shukla

The present appeal under Section 47 of the Guardian and Wards Act, 1890 (in short "the Act of 1890") has been filed by the appellant/husband, being aggrieved by the order dated 19.01.2026 passed by the Principal Judge, Family Court, Mandsaur in MJC-GW-172/2025, by which the application filed by the appellant u/S 7 of the Act of 1890 has been dismissed and the custody of two minor girls namely, Shivkanya and Divyanshi has been given to the respondent/wife.

2. Admittedly, facts of the case are that the appellant and respondent were formerly married as per Hindu rituals in the year 2010 and out of their wedlock, they had two daughters, aged about 10 years and 06 years, who are at present living with the respondent/mother. According to the respondent, the appellant wanted to have a male child and since both the children were female therefore, he started subjecting the respondent with cruelty for the said reason. It is further alleged that he had developed illicit relations.



3. Counsel for the appellant argued that the respondent has already married to one another person namely, Satyanarayan Dangi on 04.03.2025 by way of *Natra* and she started residing with him alongwith the children. Copy of the agreement was also filed before the Trial Court.

4. Learned Court below, after hearing the parties and also after evaluating the entire evidence recorded the findings in paragraph-33 that it would not be in the interest of the female children to handover the custody to the appellant against whom the allegations of illicit relations are made with other woman. The Family Court has further recorded the finding after considering the statement of the daughters of the appellant that it appears that they are studying in a school and proper care is being taken by the respondent. The Court has recorded a specific finding that it would not be in the interest of the female children to handover the custody to the appellant.

5. In view of the aforesaid, we do not find any illegality in the impugned order passed by the Family Court. At this stage, counsel for the appellant submits that the respondent is not permitting to exercise his visitation rights, as directed by the Family Court. For the said grievance, appellant is granted liberty to approach the Family Court.

6. With the aforesaid limited liberty, present appeal is dismissed. No order as to costs.

(VIJAY KUMAR SHUKLA)
JUDGE

(ALOK AWASTHI)
JUDGE