

Misc.(G) Case No. 07/2020**ORDER****18-01-2022**

The petitioner along with his daughter namely Miss Nilakshi Choudhury for whom the petition u/s 25 of the Guardianship and Wards Act, 1890 read with Hindu Minority and Guardianship Act, 1956 has been filed is present.

I have heard the learned counsel appearing for the petitioner. It is submitted that the ward Miss Nilakshi Choudhury is 11 years old and she has been pursuing her studies in class V. Even though she was with her mother Upama Dutta Chudhury but now she has been thrown out by her mother and her mother is no longer interested to upbringing her under her custody. Therefore, the girl has now been residing in the care and custody of her father who is a Govt. servant serving as Sub Inspector in the SSB.

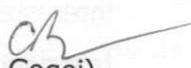
It is seen that the petitioner, the father of the girl is a competent person in upbringing and maintaining his daughter being a govt. servant drawing regular salary.

The Court is required to decide the question of guardianship of minor on the principle of capability of the guardian and safely and security concern of the minor. In the present case, since the girl is secured in the custody of her father who is also otherwise capable of looking after the wellbeing of the girl better than her mother, who as stated, has no compassion, love and care towards her minor daughter Nilakshi Choudhury who has been thrown out by her voluntarily without considering her wellbeing, safety and security, this Court, after due consideration of the entire backdrop particularly keeping in mind the capabilities, concerns as well as responsibilities of taking care of the wellbeing of the minor daughter, the petitioner Makunda Choudhury appears to be appropriate person to take care of her wellbeing and education etc.

In the circumstances, this Court do hereby dispose this petition allowing guardianship of the minor with the petitioner Makunda Choudhury, the biological father of the girl.

In view of the above findings, the Misc. (J) Case No. 23 of 2020 is also disposed of as infructuous keeping note of the fact that in view of allowing guardianship of the minor to the petitioner, there is no need to allow permission leave of the court to visit the minor girl anymore.

Accordingly, the petition No. 1142/2022 stands disposal along with the Misc. (J) Case No. 23 of 2020.


(C.B. Gogoi)
District Judge,
Sonitpur :: Tezpur.