

IN THE COURT OF DISTRICT JUDGE : BAKSA, MUSHALPUR

ASBK010006792025



Present : Dr. Manash Baruah, AJS.
District Judge,
Baksa, Mushalpur

Misc. Guardianship Case No. 03/2025

Sri Manoj Hazarika ... Petitioner.

Versus

1. Smti. Barakha Rani Talukdar
2. Sri Lankeswar Talukdar
3. Sri Prafulla Talukdar ... Respondents.

Advocates appeared:

For the Petitioner. : Mr. Gobinda Ch. Nath

Date of argument. : 29.05.2026

Judgment delivered. : 10/07/2026

JUDGMENT AND ORDER

1. This Guardianship case has arisen out of a Petition submitted by the Petitioner Sri Manoj Hazarika under Section 8 of the Guardian and Ward Act, 1890 for guardianship and custody of minor's namely Miss. Kankana Talukdar (14 years) and Sri Chintumani Talukdar (12 years) and their properties.
2. The case of the Petitioner, in brief, is that the petitioner's eldest sister namely Rita Talukdar got married with Parameswar Talukdar of village Barikadanga, PO – Nayabasti, PS – Barbari, District – Baksa, Assam in the year 2004. From their wedlock, two female children namely Barakha Rani Talukdar and Kankana Talukdar were born on 27.05.2006 and on 19.10.2011 respectively and a male child namely Chintumani Talukdar was born on 17.10.2013. The petitioner's brother-in-law namely Parameswar Talukdar who was a khalashi in the office of the Executive Engineer, PHE, Baksa Division, Mushalpur, Assam had died on 05.02.2019 leaving behind his wife Rita Talukdar and three minor children Smti. Barakha Rani Talukdar, Smti. Kankana Talukdar and Sri Chintumani Talukdar but, unfortunately, after about 10 months thereof, the petitioner's eldest sister Rita Talukdar also died on 20.12.2019 leaving behind her above named three minor children. That after the funeral ceremony of the deceased sister Rita Talukdar, the petitioner consulting with the minor's paternal uncles namely Lankeswar Talukdar and Prafulla Talukdar brought the minor children to their home and

took care and custody of them. That Barakha Rani Talukdar who is presently aged about 19 years is a victim of poliomyelitis, Smti. Kankana Talukdar is presently aged about 14 years and has been reading in Class IX and Sri Chintumani Talukdar who is presently aged about 12 years has been reading in Class VII. The Asstt. Accounts Officer, Office of Accountant General (A&E), Assam has dispatched a letter No. Pen-3/T-17/PHE/128596/2025 dated 25.03.2025 to Sri Chintumani Talukdar requesting him to submit legal Guardianship Certificate from the Court of Law to get compassionate family pension. Smti. Baraka Rani Talukdar who has attained majority, is a victim of Poliomyelitis. The petitioner who read up to Class X, is doing cultivation and being an eldest maternal uncle of the minors Kankana Talukdar and Chintumani Talukdar is willing to be appointed as the Guardian to get compassionate family pension and hence, prays for appointing him as the legal guardian of the minor children.

3. On receipt of notice, the respondent no. 1 to 3 did not appear before the Court to contest the case and the case proceeded ex-parte against them vide order dated 20.09.2025.
4. I called upon the minors Kankana Talukdar and Chintumani Talukdar and the eldest daughter Smti. Baraka Rani Talukdar, who is a major and a victim of Poliomyelitis. All of them stated that they are staying with the petitioner's family after the death of their mother. They are being looked after well and both the

minors are students. They have no objection if their mater uncle Sri Manoj Hazarika is appointed as their guardian.

5. The Petitioner Sri Manoj Hazarika has submitted his evidence in chief in affidavit. The petitioner adduced as PW-1 and stated the fact that his elder sister Smti Rita Talukdar got married to Sri Parameswar Talukdar in the year 2004. Out of their wedlock two daughters and one son were born. Barakha Rani Talukdar was born on 27/05/2006, Kankana Talukdar was born on 19/10/2011 and son Chintumani Talukdar was born on 17/10/2013. In support of the said fact, the petitioner has submitted the birth certificates of the three children. Ext-1 is the birth certificate of Smti Barkha Rani Talukdar, Ext-2 is the birth certificate of Knakana Talukdar and Ext-3 is the birth certificate of Chintumani Talukdar. The petitioned has stated that his brother-in -law Parameswar Talukdar worked in the Office of Executive Engineer PHE, Baksa Division as Khalasi. He died on 05/-2/2019 leveaing behind his wife and three children. After 10 months, i.e.on 20/12/2019 his elder sister Rita Talukdar also died leaving behind the three minor children. Ext-4 is the death certificate of Parameswar Talukdar and Ext-5 is the death certificate of Rita Talukdar. He has also submitted the next of kin certificate of Late Parameswar Talukdar and Late Rita Talukdar and the same were marked as Ext. 6 and Ext-7.

PW-1 further stated that after the death of the parents of the three minor children, he consulted the paternal uncle of the minor children i.e. Lankeswar Talukdar and Prafulla Talukdar and brought the minors to his residence. The eldest daughter Smt Barkha Rani Talukdar of his deceased sister is 19 years old and a victim of poliomyelitis, Smti Kankana Talukdar is a student of class IX and the son Chintumani Talukdar is a student of Class VII. The Asstt. Accounts Officer of the Office of Accountant General A & E) Assam sent a letter No. Pen-3/T-17/PHE/128596/2025 dated 25/03/2025 to Sri Chintumani Talukdar requesting him to submit Legal Guardianship Certificate from Court of Law to get compassionate Family pension. Ext.8 is the said letter. The petitioner further stated that he is a cultivator by profession and being the maternal uncle of the minors and Barkha Rani Talukdar, he is willing to become a guardian of the minors. He prays to appoint him as guardian of the minors so that to get the compassionate family pension of the minors.

6. I have heard the Ld. Counsel Sri G C Nath for the petitioner and scrutinized the pleadings of the petitioner and the documents exhibited.
7. After hearing the minors and perusing the evidences on record and documents exhibited, I found that petitioner Sri Mohan Hazarika being the maternal uncle of the minor children is a cultivator by profession and is a fit person to be appointed as a Guardian of the minors Smti. Kankana Talukdar and Sri

Chintumani Talukdar in order to receive the compassionate Family Pension due to the death of the Parameswar Talukdar who was the father of the said minors.

ORDER

8. In view of the discussion made above, the petition of the petitioner Sri Mohan Hazarika for appointing him as Guardian of the minor Smti Kankana Takudar and Sri Chintumani Talukdar to receive the compassionate Family Pension is allowed.
9. **Issue Guardianship Certificate in the name of the petitioner Sri Manoj Hazarika in order to receive the compassionate family pension on behalf of the minors Smti Kankana Talukdar and Sri Chintumani Talukdar.**

Given under hand and seal of this Court on this 10th day of **July, 2026** at Baksa, Mushalpur.

(Dr. Manash Baruah)
District Judge,
Baksa, Mushalpur

Dictated and corrected by me-

(Dr. Manash Baruah)
District Judge,
Baksa, Mushalpur

Transcribed and typed by :
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