

**Act VIII Case No.49/2019**  
**CIS No.49/19**  
**CNR No.WBSP010045622019**  
**JO CODE WB00580**

**Order No. 90 dated 04.08.2022**

The record is placed before me for passing order in respect of the petition dt.18.08.2021.

Heard Ld. Advocate of both sides on previous day.

It has been submitted on behalf of the petitioner Pratip Kumar Ghosh that he initiated a proceeding for declaring himself as the sole guardian and custodian of his minor daughter namely Jianna Ghosh (hereinafter referred as minor daughter) who was born on 28.03.2011 and that proceeding has been registered as Act VIII Case No.49 of 2019. Another proceeding has been lodged by the OP namely Uma Roy for appointment and declaration of guardianship of the minor daughter and that has been registered as Act VIII Case No.40 of 2019. Both the cases are pending for hearing.

It has been submitted further by the Ld. Advocate for the petitioner that he was married with one Sanghamitra Roy on 05.05.2008 as per provision of Special Marriage Act, 1954 and the minor daughter was born on 28.03.2011. As matrimonial dispute continued between the parents of the minor, the mother left the matrimonial house with the said minor daughter. Both the parties, at that time, filed several cases against each other including an application filed by the petitioner U/s 38 of Special Marriage Act for custody of minor daughter and after contested hearing before the Ld. 13th ADJ, Alipore, an order of visitation was passed on 04.11.2016 thereby allowing the father to meet with the minor daughter on every 1st & 3rd Saturday from 2pm to 4pm within the campus of Alipore Judges' Court. Afterwards, another case for divorce on mutual consent was filed by both the parties after withdrawing all allegations against each other giving the petitioner free access to meet with his daughter. Unfortunately, the mother passed away on 21.02.2019 and after her demise, the petitioner looked after and taken care of the daughter though she remains in the custody of OP i.e. the grand mother of the minor daughter. On 05.03.2019 when the petitioner visited his in laws house, the OP obstructed him and did not give him access to his daughter. It has been further stated that the life of the petitioner revolves around the welfare of his minor daughter. The daughter is now studying in South City International School and he is very much concerned about the education of the minor daughter and as such, it has been prayed for allowing the petitioner to represent the minor daughter on Parents-Teachers Meeting at South City International School as her natural guardian and to pass further order.

The OP filed written objection against the petition alleging that the petition is not maintainable in its present form and prayer. It has been further stated that the

**Contd....**

education, extra curricular activities of the minor daughter is going on under the care and guidance of her grandmother/OP since after the death of the mother of the minor and if the prayer of the petitioner is allowed, it would be inconvenient and have an impact upon the education of the minor daughter and hence, prayed for rejection of the same.

Considered the submission of both the parties.

On perusal of the application and after going through the record, it appears that for the custody of minor daughter, two Act VIII Cases being No.40/2019 & 49/2019 are pending for disposal. On perusal of both the records, it appears that allegations have been labelled against the petitioner /father of this case that at the time of giving mutual divorce, it was agreed between the father and mother that the minor daughter would stay permanently under the custody of her mother. It is admitted by the petitioner/father that she was with her mother and after demise of her mother, she was under the custody of the OP of this case i.e. the grand mother. (As admitted in paragraph No.2 of the petition dt.18.08.2021). It is the prayer of the petitioner that he wants to represent in the Parents-Teachers Meeting at South City International School being her natural guardian. It appears from the plaint of Act VIII Case No.40.2019 filed on 12.03.2019 that at the time of filing that case, she was studying in Class 3. So, it is presumed that at present, she is studying in Class 6. It is admitted fact that after demise of the mother and till date, the child is under the care and custody of the OP i.e. grandmother which indicates that her entire educational progress, upbringing, extra curricular activities till date is being guided by the OP i.e. the grand mother. The object of Parents-Teachers Meeting is to appraise the parents about the overall development and drawbacks of the child for her right developement, to encourage her in learning and to provide right guideline to her guardian or caretaker for her welfare and well being. Thus "Parents-Teachers Meeting" is a short conference in between parent and teachers of a student which is conducted to discuss about the progress of the child and find out a solution about academic and non-academic problems. Admittedly, since demise of her mother and till date, 'Parents-Teachers Meeting' is being attended by her OP/grandmother. Hence, the OP/grandmother is familiar with her studies/behaviour/extra curricular activities and thus, she is the best person to focus on the minor's specific strength and weaknesses in individual subjects, as well as her skills and competence as under her care and guidance, the minor is growing up. Since the date of admission of her in the said school, the petitioner/father never attended in Parent-Teachers Meeting. If at this stage, the father i.e. the petitioner of this case is allowed to attend the meeting, it may disturb the process of educational development of the child as the petitioner/father is not at all aware about the over all progress of the child like her nature, habits, liking, disliking, weaknesses, strength,

**Act VIII Case No.49/2019**  
**CIS No.49/19**  
**CNR No.WBSP010045622019**  
**JO CODE WB00580**

**Contd...Order No.90 dt.04.08.2022**

educational status, problems and regular activities which she does at home. It may also have a negative effect on the emotion of the child. It is the settled principle of law that the interest of the child is of paramount importance.

So, considering the entire aspect i.e. the comfort, educational and intellectual development and over all welfare and well being of the minor, I am of the opinion that the prayer of the petitioner/father to represent him as natural guardian of his daughter in the Parent-Teachers Meeting cannot be considered and hence, rejected.

To \_\_\_\_\_ for framing of issues.

Dictated & corrected by me

Additional District Judge,  
1st Court, Alipore  
04.08.2022