

**Act VIII Case No. 14 of 2024**

**Order No. 12 dated 08.05.25**

Today is fixed for hearing the application U/Sec.12(1) of the Guardians and Wards Act,1890 filed the petitioner /wife and thereby prayed for interim custody of her minor son ( Debojyoti Das ) mainly on the ground that her husband Debashis Das did not comply with the order dated 19.08.2024 and her husband also got married to Payel Giri 2<sup>nd</sup> time while her marriage with Debashis Das still subsists. O.P. / husband filed written objection and thereby denied all the allegations made by the petitioner / wife and also stated that the minor is at present 07 years old and presently reading in a reputed school at Midnapure. The petitioner wife is residing at a remote village of Jhargram District. If the interim custody is allowed the schooling of the minor will be seriously hampered.

Heard Ld. Advocates for both sides. In the instant case welfare of the child is the paramount consideration. From the copy of marriage certificate dated 01.06.2023 it appears that Debashis Das got married second time with Payel Giri during the subsistence of his earlier marriage with the petitioner Rima Das. But the education of the minor is the prime consideration. Considering the entire situation it appears that the minor is presently studying in a school at Midnapure. Therefore, if the interim custody is allowed the schooling of the minor will be seriously hampered. So, it would not be expedient to allow the prayer for interim custody at this. Accordingly the application U/Sec.12(1) of the Guardians and Wards Act,1890 filed the petitioner /wife is rejected at this stage.

However, O.P/Debashis Das is directed to comply with the order dated 19.08.2024 passed by this court else coercive action will be taken.

Accordingly the petition is rejected on contest.

Fix 02.7.2025 for hearing.

Dictated & Corrected

.....  
District Judge,  
Passim Medinipur.

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District Judge,  
Paschim Medinipur.

**Act VIII Case No. 14 of 2024**

**Order No. 12 dated 08.05.25**

Today is fixed for hearing the application U/Sec.12(1) of the Guardians and Wards Act,1890 filed the respondent/wife and thereby prayed for interim custody of her minor son ( Debojyoti Das ) mainly on the ground that her husband Debashis Das did not comply with the order dated 19.08.2024 and her husband also got married to Payel Giri 2<sup>nd</sup> time while her marriage with Debashis Das still subsists. Petitioner/husband filed written objection and thereby denied all the allegations made by the respondent/wife and also stated that the minor is at present 07 years old and presently reading in a reputed school at Midnapure. The respondent/wife is residing at a remote village of Jhargram District. If the interim custody is allowed the schooling of the minor will be seriously hampered.

Heard Ld. Advocates for both sides. In the instant case welfare of the child is the paramount consideration. From the copy of marriage certificate dated 01.06.2023 it appears that Debashis Das got married second time with Payel Giri during the subsistence of his earlier marriage with the respondent/Rima Das. But the education of the minor is the prime consideration. Considering the entire situation it appears that the minor is presently studying in a school at Midnapure. Therefore, if the interim custody is allowed the schooling of the minor will be seriously hampered. So, it would not be expedient to allow the prayer for interim custody at this. Accordingly the application U/Sec.12(1) of the Guardians and Wards Act,1890 filed the respondent/wife is rejected at this stage.

However, Petitioner/Debashis Das is directed to comply with the order dated 19.08.2024 passed by this court else coercive action will be taken.

Accordingly the petition is rejected on contest.

Fix 02.07.2025 for hearing.

Dictated & Corrected

.....  
District Judge,  
Passim Medinipur.

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District Judge,  
Paschim Medinipur.