

Act VIII Case No. 10 of 2023(R-10/2023)

Order No. 12 dated 02.06.2025.

Today is fixed for hearing the application U/Sec.12 of the Guardians and Wards Act,1890 filed by the petitioner /father and thereby prayed for interim custody of his minor son (Sk. Hakim Ali, D.O.B 16.06.2020) mainly on the ground that respondent, the maternal grand father of the minor, forcefully took away the minor soon after the death of his wife. The petitioner on several occasion tried to contact with the minor but respondent did not allow him. Petitioner also alleged that the financial condition of the respondent is not good. So it not possible for the respondent to take all sorts of steps for mental and physical up bringing of the child. Hence, this application. Heard Ld. Advocates for both sides.

On the other hand respondent contested this application by filing the written objection and stated that the petitioner got married to her daughter Aspiya Begam on 17.02.2019. After marriage her daughter went to her matrimonial house. Her daughter gave birth of her son (Sk. Hakim Ali) on 16.06.2020. That due to mental and physical torture of the petitioner and his family members her daughter committed suicide on 06.06.2022. He lodged a police case against the petitioner and his family members. Accordingly the petitioner and his family members left their house by leaving the minor Sk. Hakim Ali. Since then minor Sk. Hakim Ali has been in the custody of the respondent. The physical and mental condition of the minor is good. He is presently reading in an English Medium School at Khirpai. The respondent also alleged that the petitioner again got married to one Jinna Khatun.

In the instant case the welfare of the minor is the paramount consideration. Considering the entire facts and circumstances of this case it appears that 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 of the Guardians and Wards Act,1890 filed the petitioner /husband is **rejected** on contest.

To 15.07.2025 for hearing of the main application. W/O if any meanwhile.

Dictated & Corrected

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District Judge,
Passim Medinipur.

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District Judge,
Paschim Medinipur.