

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.753 of 2013

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Rishkant Srivastava S/O Late Gupteshwar Lal R/O Village Pithri, P.S. Itarhi,
District Buxar, At Present Basaon Mathiya, Koirpurwa, P.S. Buxar (T), District
Buxar.

.... Appellant/s

Versus

Santosh Kumar Sriwastva S/O Ramsinghasan Rai Resident Of Village Sondhila,
P.S. Buxar (M), District Buxar, Present Address New Railway Colony, Q. No. 334
(B) Tundla And His Wife Sunita Kumari Are Hindu By Religion.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 04-05-2015

None appears for the appellant. Same was the position on 30.04.2015. In the circumstances, we have perused the impugned order dated 08.02.2012 passed by Principal Judge, Family Court, Buxar in Guardianship Case No. 01 of 2008 whereunder the case has been allowed and the respondent herein, father of the minor child Aush has been declared to be the guardian of the child and custody of the child has also been directed to be given by the maternal grandfather to him.

2. It appears, during the pendency of a case filed under Section 498A of the Indian Penal Code against the respondent, mother

of the child Sunita left for her heavenly abode whereafter the present guardianship case was filed and in the light of the evidence led by the parties the said case has been allowed.

3. Having appraised the evidence discussed by the Principal Judge, Family Court, Buxar, we are satisfied that custody of the child has been rightly given to his father, the natural guardian.

4. We see no reason to take a different view in the matter. The appeal is, accordingly, dismissed.

5. Having dismissed the appeal on merit, there is no occasion for us to condone the delay in filing the appeal. Limitation petition, bearing I.A. No. 3831 of 2014 is also dismissed.

(V.N. Sinha, J.)

(Nilu Agrawal, J.)

Arjun/-

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