

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MA No. 560 of 2005**

- Kusum Lata Bothra, W/o Suresh Kumar Bothra, aged about 43 years, resident of 29, C-4 Nilkantha Mehta Street T. Nagar, Chennai-17.

---- Appellant/Applicant**Versus**

- Surya Prakash Baid, S/o late Javeri Lal Baid, Aged about 28 years, resident of Tagore Nagar, Raipur (C.G.)

---- Respondent/Non-applicant.

For Appellant	:	Smt. Hamida Siddiqui with Shri Raghavendra Verma, Advocate.
For Respondent	:	Smt. Fouzia Mirza, Advocate

Hon'ble the Chief Justice
Hon'ble Shri Justice Sanjay Agrawal

Order On Board**17/11/2016****Per Deepak Gupta, CJ**

This appeal arises out of the order dated 15.09.2004 passed by the Judge, Family Court, Raipur in Guardian and Wards Case No. 10/2004 whereby the application filed under Section 7 of the Guardian and Wards Act, 1870, for custody of her grand-child, filed by the appellant was disallowed.

2. Admittedly, the child was living with the father. According to the appellant, her daughter had died in suspicious and mysterious circumstances, and therefore, the custody of the child should be given to her. She filed an application under Section 7 of the Guardian and Wards Act, 1870, which was dismissed on 15th September, 2004. It would be pertinent to mention that as per the averments made by the appellant herself, the child, namely, Gourav @ Garvit was born on 20.10.1999. This means that the child is now a young lad, aged about 17 years.

We cannot, at this stage, handover the custody of 17 years old boy, who is living with his father for almost 17 years, to the grandmother.

3. In view of above, we find no merit in this appeal, which is accordingly dismissed being devoid of merit.

Sd/-
(Deepak Gupta)
Chief Justice

Sd/-
(Sanjay Agrawal)
Judge