

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1489 of 2018

In
MA 252 of 2018

- =====
1. Dasrath Prasad Mehta S/o Late Surya Narayan Singh
 2. Smt. Janki Devi W/o Dasrath Prasad Mehta Both resident of Mohalla - Drivertolla, P.O. & P.S. Katihar, District - Katihar.

.... Petitioners

Versus

1. Rambilash Singh S/o Late Indrashekhar Prasad Singh
2. Mala Sinha W/o Rambilash Singh Resident of Village & P.O. Ramnagar Math - Labhgaon, P.S. - Gangaour, District Khagaria.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Anshuman Jaipuriyar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 05-10-2018 Heard both sides.

The petitioners have filed this civil miscellaneous petition against the order dated 12.01.2018 passed by Principal Judge, Family Court, Khagaria in Guardianship Case No.02/2016 by which the petition of the petitioners with regard to maintainability of the Guardianship Case No.02/2016 has been dismissed holding that the same requires evidence.

Admittedly, the petitioners are grandfather and grandmother of the minor child. The maternal grand father and maternal grandmother filed petition for appointment of guardianship of the minor child before the Principal Judge, Family Court, Khagaria. The petitioners intervened and filed petition



raising preliminary objection about the maintainability of the guardianship case at Khagaria. Learned Principal Judge, Family Court, Khagaria held that the jurisdiction can be decided only after adducing evidence.

In this view of the fact, I do not find any illegality in the order impugned and the same is accordingly, dismissed.

(Prabhat Kumar Jha, J)

Amit/-

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