

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No. 218 of 2018

Md. Sagir Qureshi S/o. Haji Bafati Mohammad, aged about 39 years,
R/o. Haji Tent House, Main Road, Gandhi Chowk, Balauda, District
Janjgir Champa (C.G.)

---- Appellant

Versus

1. Smt. Tarmin Fatima D/o. Mohammad Al, R/o. Quarter No. M-166,
Ompur Colony SECL, Rajgamar, Korba, Tehsil and District Korba
(C.G.)
2. Laraib Qureshi S/o. Md. Sagir Qureshi, aged about 12 years, minor
through natural guardian mother, Quarter No. M-166, Ompur Colony
SECL, Rajgamar, Korba, Tehsil and District Korba (C.G.)

---- Respondents

For the Appellant	:-	Mr. Rakesh Pandey, Advocate
For the Respondent	:-	None

Shri Justice Prashant Kumar Mishra
Hon'ble Smt. Justice Vimla Singh Kapoor,

Order on Board By
Prashant Kumar Mishra, J.

04.10.2018

1. This appeal is barred by 633 days.
2. Heard learned counsel for the appellant on I.A. No. 01 of 2018, for
condonation of delay in filing of the appeal.
3. While hearing on I.A. No. 01, we also heard learned counsel for the
appellant for some time on merits of the issue.

4. The family Court has rejected the appellant's application under section 10 of the Guardian and Wards Act for custody of minor son Laraib Qureshi. The appellant claims to be engaged in the business of tent house, whereas the respondent wife is a lawyer. Minor son Laraib Qureshi is presently aged about 12 years.

5. While hearing the application the trial Court has found that the interest of the minor would be best served, if he remains in the custody of his mother because there is evidence that the appellant is in the habit of consuming liquor. In the application under Section 5 of the Limitation Act, the appellant would state about his inability to prefer the appeal within time for the reason that he is a poor person, therefore, he could not take steps for filing the appeal within time for paucity of fund. The explanation offered for seeking condonation of delay is self destructive in as much as, if the appellant is a poor person, he would be unable to provide decent means to bring up his son. The appellant has not filed any document in support of the application to demonstrate as to what is his monthly or yearly income. He has not stated that he is person living below poverty line nor he has filed his income tax returns. Therefore, the reason assigned for seeking condonation of delay appears to be artificially projected and lacks bonafide.

6. In view of the above discussion, no case is made out for condoning the delay of 633 days in filing of the appeal, therefore, I.A. No. 01 of 2018, deserves to be and is hereby dismissed.

7. Consequently, the First appeal is also dismissed.

Sd/-

**Judge
Prashant Kumar Mishra**

Sd/-

**Judge
Vimla Singh Kapoor**