

**HIGH COURT OF CHHATTISGARH, BILASPUR****FA(MAT) No. 30 of 2020**

- Munnalal Churasiya S/o Late Sadhu Churasiya Aged About 31 Years R/o Caste- Barae, R/o- Village- Bonda, Police Station And Tahsil- Saraypali, District- Mahasamund Chhattisgarh

**---- Appellant****Versus**

- Smt. Babita Churasiya W/o Munnalal Churasiya Aged About 23 Years Caste- Barae, Present R/o- Ward No. 2, Saraypali, Tahsil- Saraypali, District- Mahasamund Chhattisgarh

**--- Respondent**


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For Appellant/s : Mr. Hemant Gupta, Advocate.

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**DB : Hon'ble Shri Justice Manindra Mohan Shrivastava****Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****07/02/2020**

1. Heard on admission.
2. This appeal is directed against impugned judgment and decree dated 20.12.2019 by which, the learned Family Court has granted custody of minor girl child aged about 3 years to the mother.
3. Out of wedlock of the parties, a girl child was born on 28.03.2017. A dispute arose between the parties and thereafter, the respondent moved application before the learned Family Court for grant of custody of minor girl child with the allegation that after delivery, she is not being allowed to take care of the minor girl child and the minor being a girl of infant age, requires her mother for her care and feeding.
4. The application was opposed by the husband on the ground that the wife is not taking proper care of the child and she is mentally unfit.

5. The order passed by the learned Family Court shows that the Court has taken into consideration the most important consideration that the minor is a girl child of infant age of about three years and at this stage, the girl child needs care of her mother. The provision of Section 6 of the Hindu Minority and Guardianship Act, 1956 have also been taken into consideration by the Court below to grant custody of the minor child to the mother.
6. In the absence of there being any clinching material reflected from the order passed by the Court below and also the ground raised by the appellant in this appeal, we do not find that there is any good ground to interfere with the order passed by the Court below granting custody of the minor girl child aged about three years to the mother.
7. The appellant may revive his claim of custody of minor girl child after she attains the age of seven years on such ground as may be available to him under the law.
8. The appeal is accordingly dismissed.

**Sd/-**  
**(Manindra Mohan Shrivastava)**  
**Judge**

**Sd/-**  
**(Vimla Singh Kapoor)**  
**Judge**