FAM No. 153 of 2015

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No. 153 of 2015

1. Tumedhawaj Singh S/o Late Shri Shyam Singh, Aged About 52 Years

2. Bharat Gabel S/o Late Shri Shyam Singh, Aged About 50 Years

3. Arun Gabel S/o Late Shri Shyam Singh, Aged About 46 Years

4. Omprakash S/o Late Shri Shyam Singh, Aged About 45 Years

5. Chanda Bai W/o Late Shri Shyam Singh, Aged About 72 Years

   All are Caste Gabel, R/o Arjuni, Tehsil Sakti, District Janjgir-Champa, Chhattisgarh .....Non-Applicants

---- Petitioner

Versus

- Saraswati Gabel W/o Late Shri Dekraj Singh, Aged About 32 Years Caste Gabel, Occupation Agriculturist, R/o Arjuni, Tehsil Sakti, District Janjgir-Champa, Chhattisgarh .....Applicant,

---- Respondent

For Appellant — Mr. Akshay Uppal, Advocate
For Respondent — Ms. Deepali Dubey, Advocate

DB: Hon'ble Mr. Justice Prashant Kumar Mishra &

Hon'ble Mrs. Justice Rajani Dubey

Order On Board by Prashant Kumar Mishra, J.

15/3/2021

1. Heard.

2. By the impugned judgment and decree dated 8.9.2015 passed in CMJC No.3/2013, the Family Court has allowed the application

preferred by the respondent under Section 9 read with Section 25 of the Guardian and Ward Act, 1890 for custody of minor Pushparaj @ Purendra.

3. Respondent Saraswati Gabel was married with Dekraj Singh, son of respondent No.5 Chanda bai on 18.5.1997. Minor Pushparaj @ Purendra was born in the year 2001. Dekraj Singh died in a train accident on 18.5.2010. Respondent Saraswati Gabel thereafter moved an application seeking custody of her son, which has been allowed by the Family Court.

4. Admittedly, minor Pushparaj @ Purendra has now attained majority, therefore, the appeal challenging the judgment and decree of the trial Court seeking over custody of the minor does not survive for the reason that the minor, having attained majority, is now free to find his own course of action either to stay with his mother or with the appellants.

5. Accordingly, the appeal is dismissed.

Sd/- Sd/-

(Prashant Kumar Mishra) **(Rajani Dubey)**
Judge Judge

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