

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.409 of 2018

Pradyut Kumar Chaubey Son of Shri Prakash Chandra Chaubey Resident of Mohalla - Indira Nagar, Lailahi, Police Station - Katihar Sahayak, District - Katihar.

... .. Petitioner/s

Versus

Garima Kumari Wife of Pradyut Kumar Chaubey Resident of Mohalla - Mithanpur, Police Station - Mithanpur, Post Office - Rama, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. J.S. Arora, Sr. Adv. Mr. Manoj Kumar
For the Respondent/s	:	Mr. Rajiv Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

12 07-11-2022 Mr. J.S. Arora, learned senior counsel for the petitioner submits that as per Section 9 of the Guardians and Wards Act, 1890 (hereinafter referred to as the Act”) application with respect to guardianship of a minor shall be made to the District Court having jurisdiction in the place where the minor ordinarily resides. He next submits that admittedly the minor son of the petitioner is residing with him i.e. the father and the respondent being the mother of the child is seeking custody of the child and has filed petition under Section 9 of the said Act before the Principal Judge, Family Court , Muzaffarpur which is not having the jurisdiction to try the case.

On the other hand, Mr. Rajiv Ranjan, learned counsel for the respondent submits that the parties have come to



amicable settlement and the respondent is residing with her husband and son at Katihar and the respondent gives undertaking to withdraw the petition filed under Section 9 of the Act before the District Court, Muzaffarpur bearing Guardianship Case No. 05 of 2014 pending before the Principal Judge, Muzaffarpur.

In view of the undertaking given by the respondent-wife, learned senior counsel for the petitioner seeks permission to withdraw this petition at this stage.

Permission is granted.

Accordingly, this application is dismissed as withdrawn.

(Anil Kumar Sinha, J)

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