

IN THE HIGH COURT OF ORISSA AT CUTTACK

GUAP No. 3 OF 2018

Garima Manohar Seth and others

Appellants

Mr. B. Mishra, Advocate

-versus-

Manohar Seth

..... Respondent

Ms. Pratyusha Naidu, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

29.07.2022

Order No.

- 4.
1. This matter is taken up through hybrid mode.
 2. The Appellants in this appeal under Section 47 of the Guardians and Wards Act, 1890 (for short 'the Act') seek to assail the order dated 22nd September, 2018 passed by learned District Judge, Jagatsinghpur in Guardian Petition No.07 of 2017.
 3. It is submitted by Mr. Mishra, learned counsel for the Appellants that the Respondent has filed an application under Section 25 of the Act read with Sections 6 and 8 of the Hindu Minority and Guardianship Act, 1956 to be appointed as guardian of the minor children born out of wedlock between the Appellant No.1 and the Respondent. The said application was allowed with the following direction:

" O R D E R

The Guardian petition is allowed in part on contest against the O.Ps. O.P. No.1 is directed to hand over the custody of their children Soham Seth and Omisha Seth to the custody of the petitioner, within two months from the date of passing of this order where as she be allowed to keep the custody of Mishika Seth with her. The parties are further given visiting rights to mix with their children as and when they desire without

*disturbing their schooling or routine of the children.
Under the above circumstances, the parties are directed
to bear their own cost."*

4. Mr. Mishra, learned counsel for the Appellants further submits that out of two children, the son, namely, Soham Seth, has already attained majority and the daughter is seventeen years six months old.

5. Ms. Naidu, learned counsel for the Respondent-Husband does not dispute the factual aspect.

6. In view of the above, this Court feels that entertaining the appeal on merit at this stage will not serve any purpose. Thus, without delving into the merit of the order passed under Annexure-1, the GUAP is disposed of with a direction that the daughter shall remain with her mother-Appellant No.1 till she attains majority. The Appellant No.1 shall mutually workout the visitation of the children by the Respondent.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

ms