

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA**

FAMILY COURT APPEAL No.396 OF 2017

JUDGMENT: (Per Hon'ble Dr.SA,J)

This Family Court Appeal, under Section 19 of the Family Courts Act, 1984 read with Section 47 of Guardians and Wards Act, 1890, is filed by the appellant/petitioner/father, aggrieved by the order and decree dated 05.07.2017 passed in G.O.P.No.305 of 2014 by the learned Judge, Family Court-cum-III Additional District Judge, at Warangal, wherein the subject G.O.P filed by the appellant/father under Section 6 of Hindu Minority and Guardianship Act, 1956 read with Sections 7, 10 and 25 of Guardians and Wards Act, 1890 seeking to appoint him as guardian of the minor ward namely M.Varaprasad @ Sai Krishna and to grant custody of the said minor ward to him, was dismissed.

2. Heard the learned counsel for the appellant, the learned counsel for the respondent and perused the record.

3. Now, the minor child namely M.Varaprasad @ Sai Krishna is aged about 16 years. The welfare of the child is of paramount consideration while granting custody of the minor. As seen from the material placed on record, the Court below while dealing with the subject matter, considered the oral evidence adduced by both sides and also the welfare of the child as paramount consideration, dismissed the subject G.O.P filed by the appellant/father vide impugned order and decree dated 05.07.2017. In view of the material evidence on record, the welfare of the minor child lies with the mother. Any order to remove the minor child from the custody of the mother would jeopardize the interest of the child and hamper his growth and development. So it is appropriate for the mother to have the custody of the minor child. The Court below is justified in declining to allow the subject G.O.P. There is no illegality or infirmity in the impugned order and decree dated 05.07.2017 passed by the Court below. This appeal is lacking merits and is liable to be dismissed.

4. In the course of submissions, it is brought to the notice of this Court that the appellant is paying Rs.15,000/- (Rupees Fifteen Thousand only) towards maintenance to the

respondent and Rs.12,000/- (Rupees Twelve Thousand only) towards maintenance to the minor child-M.Varaprasad @ Sai Krishna.

5. In the result, this appeal is dismissed.

Miscellaneous petitions, pending if any, in this appeal, shall stand closed. No order as to costs.

Dr. SHAMEEM AKTHER, J

NAGESH BHEEMAPAKA, J

Date: 01.11.2022
SCS