

03.02.2023
Item No.7
Ct. No.7
CHC

C.O.320 of 2023

**Swarup Konar & anr.
Vs.
Dinabandhu Chowdhury**

Mr. Sounak Bhattacharya,
Mr. S. Panda,
Mr. Amal Kumar Saha,
Mr. Iresh Paul

...for the petitioners

Mr. Kushal Chatterjee,
Mr. Debrup Chowdhury,
Mr. Rudranil Das,
Mr. Souvik Das

...for the proforma opposite
party

A direction to secure expeditious disposal of an application under Section 7 of the Guardian and Wards Act read with Section 151 and Order 32 Rule 4 & 5 of the Code of Civil Procedure for permission to appoint an advocate, as named in the petitioner itself, to be the legal guardian of the minor child, is the ultimate prayer sought for in this case.

The prayer for appointment of legal guardian, to be represented by the advocate, as named herein, has been initiated by the parents disclosed in such petition, referred above, who are the biological father and mother of the minor child involved in Act VIII proceeding.

It is submitted by Mr. Chatterjee that the learned advocate, sought to be appointed as legal guardian of the minor child in Act VIII proceeding, takes care of the

minor child including her educational expenses. The minor daughter at the moment needs to be put up in a reputed institution of Kolkata, of which admission session is going on. As the biological parents of the minor child are financially incapacitated to bear all the expenses of child, for the welfare of the minor child, the appointment of learned advocate, as legal guardian of minor child ought to have been made with utmost expedition.

Mr. Bhattacharya, learned advocate representing the legal guardian submits that the opposite party is ready to be appointed as legal guardian.

No other point is raised requiring address by this Court.

Since admission session is going on for the minor child involved in the Act VIII proceeding, the pending application for appointment of legal guardian may be disposed of expeditiously by the court below, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is unavoidable, preferably within fortnight from the date of communication of this order to the court below.

Since petitioners, who are the biological parents of the minor child have no objection to the appointment of the legal guardian, pending decision of application for appointment of legal guardian, the necessary

exercise may be undertaken by the opposite party no.1, in place of petitioners, for putting up the minor child/daughter to a reputed educational institution of Calcutta taking advantage of this order.

With this observation/direction, the revisional application stands disposed of.

Parties are directed to make communication of this order to the learned court below.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)