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A.No.4039 of 2023 in

O.P.No.470 of 2021

R.N.MANJULA,J.

This application has been filed by the respondent seeking permission to receive the documents namely (i) Medical Records from 06.09.2011 to 23.03.2012 (ii) Bonafides of Dev Prasanna.A (iii) Medical Receipt of Sharmila (iv) Medical Report of Sharmila (v) photographs & documents and to mark them as exhibits in the above Original Petition.

2. The respondents in this application are the grand mother and the maternal uncle of the minor child Irin Juliet and the applicant is the father of the minor child. The mother of the minor child died during 2017 due to cancer. Subsequently, the minor child is in the custody of her father. However, the grandmother and maternal uncle has taken out this Original Petition seeking guardianship of the minor child by alleging that the father of the child is not properly taking care of the minor child. The deceased wife and the applicant also had a son who is in the custody of the grand mother. Now this application has been filed by the respondent / father to receive some medical documents of the deceased wife in order to establish that he had taken proper care of his wife.

3. Though the said issue is not something essential to the issue in the main Petition, the applicant has stated that he has to file those documents because the respondents have alleged that the applicant had ignored to maintain his wife and similarly he is ignoring to maintain the



minor child as well.

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4. Whenever this kind of dispute arises between the parents of the wife and her husband, especially when the wife died, the parties will make mutual allegations about their past life and it is totally irrelevant for the matter in issue. It is sufficient if the petitioners could establish that the minor child is not properly taken care of by the father and it is equally sufficient for the father to prove that the minor child is bonded to him and she can be comfortable under his custody.

5. In view of the above stated reasons, this Court does not want to extend the scope of the litigation beyond the purpose for which it has been filed. Hence, this application is dismissed.

22.08.2023

gsk