

07.10.2024
Item No.10
Daily List
Ct. No.26
CHC

WPA(H) 78 of 2024

**Jahangir Molla
Vs.
The State of West Bengal & ors.**

Mr. Jyoti Prakash Chatterjee, Advocate
....for the petitioner

Mr. Rana Mukherjee, Ld. A.P.P.
Ms. Munmun Ganguly, Advocate
...for the State

1. Father seeks recovery of his minor daughter.
2. Learned advocate for the State submits a report which be taken on record. He submits that, on the basis of a complaint of the petitioner, police undertook an enquiry. In such enquiry, it transpired that, minor daughter of the petitioner is with his wife. Learned advocate for the State refers to a written declaration given by the wife of the petitioner that minor is in her custody as also photocopy of the Talak Nama.
3. Learned advocate for the petitioner submits that, there was no Talak or divorce between the petitioner and his wife.
4. Matrimonial disputes may be agitated by the private parties before the appropriate forum.
5. So far as the minor is concerned, she is with her mother.

6. In such circumstances, we are not in a position to arrive at a finding that, the custody of the mother over her child is illegal.
7. Consequently, we are not minded to grant any relief to the petitioner.
8. WPA(H) 78 of 2024 is disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)