

JPD-10  
Ct No.01  
02.08.2024  
S.Bag

**Calcutta High Court  
In The Circuit Bench at Jalpaiguri  
Appellate Side**

FMAT/27/2023

PAPRI SARKAR  
VS  
N/A

Ms. Amalesh Ray, Adv.  
Mr. Deborshi dhar, Adv.  
Mr. Nigam Mittal, Adv.

...for the appellant

1. Heard learned counsel for the appellant. It transpires that the application for dealing with the property of a minor by the mother of the said minor was dismissed by the Learned District Judge on merits, observing that the appellant has failed to establish the ground any necessity or evident advantage as stipulated in Section 8(4) of the Guardians and Wards Act.
2. It is rightly pointed out by learned counsel for the appellant that in terms of the bar embodied in Sections 6 and 12 of the Hindu Minority and Guardianship Act, 1956, the application in respect of undivided interest in joint family property was not maintainable in the eye of law

and as such, ought to have been dismissed on the ground of maintainability without entering into the merits. We agree with the said proposition.

3. However, since the Learned District Judge has dismissed the application at the end of the day, we confirm the conclusion arrived at by the District Judge, although on different grounds then attributed in the impugned order, as indicated above.
4. Accordingly FMAT/27/2023 is dismissed in the light of the observations made above.

**(Sabyasachi Bhattacharyya, J.)**

**(Prasenjit Biswas, J.)**