



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Appeal Against Order No. 53 of 2023

arita Tarachandji Somkuwar ..vs.. Illegal Human Trafficking Department, Crime Branch, Civil
Lines, Nagpur and anr.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. R. Ingole, Advocate for the appellant

Mr. S. R. Kumbhalkar, Advocate h/f Mr. A. H. Joshi, Advocate for
intervenor

CORAM : ANIL L. PANSARE J.

DATED : 31-01-2024

The appellant is aggrieved by order dated 2-8-2022 passed by the District Judge-3, Nagpur in Misc. Civil Application No. 492/2022. The learned Judge of the trial Court has rejected the application filed by the appellant under Section 7 of the Guardians and Wards Act for declaring her as guardian of the child.

2. Having heard learned counsel for the appellant, what transpires is that the appellant is an old aged lady. She had two sons, one expired and other married. According to the appellant, she was in need of help and support in her old age as she has been deserted by her son and husband. She has accordingly met one Ranjana Bhagat and ultimately bought the child for Rs. 3,00,000/- from one Salamulla Khan. The son of the appellant lodged report with the police and, therefore, offences under Sections 370(4), 465, 467 and 471 read with Section 34 of the Indian Penal Code and under Sections 75 and 81 of the Juvenile Justice Act came to be registered against the appellant and other persons vide Crime No. 188/2022.

3. The trial Court, considering the above aspects, has rejected the application.

4. Learned counsel for the appellant submits that the District Judge ought to have considered the fact that the appellant has bought the child and there was no intention to put the child for any commercial or other purpose.

5. I am shocked to hear such contentions. The appellant, in a way, has cemented the criminal charge made against her. It is not her case that she has adopted the child. I am informed that the child is four and half years old. The appellant is fifty eight years old. In the circumstances, it is difficult to understand as to how the child of four and half years old could help the appellant as argued by the learned counsel for the appellant. In fact it is the child, who needs care and affection. The child definitely is not in a position to take care of the appellant.

6. Section 7 of the Guardians and Wards Act, 1890 would require satisfaction of the court to appoint a guardian for the child or his property for his/her welfare. The grounds put forth by the appellant does not really show that appellant's move is towards welfare of the child. There is, therefore, absolutely no substance in the grounds raised by the appellant.

7. The trial Court has considered all these aspects and rendered the findings with sound reasoning. I do not find any illegality or error committed by the trial

Court in rejecting the application. The appeal is dismissed in *limine*.

(Anil L. Pansare, J.)

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