GAHC010081312026

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : FAO/30/2026

CHANCHAL GOSWAMI
SON OF LATE JYOTILAL GOSWAMI, RESIDENT OF KARIMGANJ ROAD, TARAPUR END COLONY, P.O.- TARAPUR, P.S.- SILCHAR, DIST- CACHAR, ASSAM PIN- 788003, ASSAM

VERSUS

TAPASHI GOSWAMI
WIFE OF CHANCHAL GOSWAMI, DAUGHTER OF TAPAN KUMAR SHARMA, PRESENTLY RESIDING AT UTTAR HURRUA, NEAR MAHADEV BARI, WARD NO.6, P.O.- DHARMANAGAR, P.S.- DHARMANAGAR (KADAMTALA), DIST- UTTAR TRIPURA, TRIPURA, PIN- 799250.

Advocate for the Petitioner : MR. S K GHOSH, MS F AHMED

Advocate for the Respondent : MS. R CHOUDHURY, S E MURTAZA,MR. Z. HUSSAIN,MS. B. HAZARIKA

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 05.11.2026

Heard Mr. S K Ghosh, learned counsel appearing for the appellant. Also heard Ms. S E Murtaza, learned counsel representing the respondent.

This appeal under Section 47 of the Guardians and Wards Act, 1890 has been filed challenging the order

dated 11.03.2026 passed by the learned Principal Judge, Family Court, Cachar, Silchar in FC (G/A) Case No. 21/2023.

In an application for guardianship, both husband and wife had a settlement in mediation. On the terms of the settlement, the trial Court closed the case.

Mr. Ghosh has submitted that being the guardian Judge, the learned trial court failed to comply with the provisions of Section 43 of the Guardians and Wards Act, 1890.

Mr. Ghosh has further submitted that under the provisions of Section 43 of the Guardians and Wards Act, 1890 the law has imposed a statutory duty upon the guardian Judge to continuously regulate the conduct and the proceedings of the guardian and to ensure the enforcement of the order passed by the guardian Judge, taking into consideration the welfare of the minor. It is always open to the Guardian Judge to issue directions on different occasions on being apprised of the situation pertaining to the conduct of the guardian.

Today, Mr. Ghosh has submitted that the respondent though earlier had come to a settlement with the present appellant in mediation and now she has failed to comply with the terms of the settlement arrived at mediation.

According to the learned counsel for the appellant, the process is continuous one and the learned trial court should not have closed the case on the basis of the settlement arrived at in mediation.

I have considered the submissions made by the learned counsel for both sides.

This Court has opinion that Mr. Ghosh has correctly submitted that it is a continuous process and the learned trial Court has committed an error by closing the proceeding. Therefore, the impugned order dated 11.03.2026 passed by the learned Principal Judge, Family Court, Cachar, Silchar in FC (G/A) Case No. 21/2023 is set aside. The case is remanded to the learned trial court to continuously monitor and to enforce it's orders on merit.

Both sides are directed to appear before the learned trial court on or before 22.12.2026 for receiving further orders.

With the above, the present FAO is disposed of.

Also send back the TCR.

JUDGE

Comparing Assistant