



Custody of child - Disputed questions of fact as to who was in a better position to take care of the minor child, the parties were free to approach the Civil Court for the redressal of their grievances [PLRonline 403505]

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Hindu Minority and Guardianship Act, 1956 S. 6(a) - Guardians and Wards Act, 1890 - Mother claimed custody of a child from the father - Held that the custody of the father could not be said to be illegal and therefore as there were disputed questions of fact as to who was in a better position to take care of the **minor child, the parties were free to approach the Civil Court for the redressal of their grievances - Custody of child.**

Held, Taking into consideration the provisions of law and the factual matrix which is disputed, I am of the opinion that custody of the father as a natural guardian cannot be said to be illegal or unlawful and therefore, it would not be appropriate to issue a [writ](#) of habeas corpus in favour of the petitioner. In the case of disputed questions of facts, it is a matter of [evidence](#) to be led by both the parties as to which party [will](#) be in a better position to take care of the minor child which is concededly the paramount consideration. [Para 28]

Tags: [1956](#), [Abuse of process of law](#), [advocate](#), [Appointment](#), [Child - Custody](#), [Children](#), [conduct](#), [def](#), [Environment](#), [Evidence](#), [Filing](#), [FIR](#), [Gm](#), [Guardian and Wards Act](#), [Habeas Corpus](#), [Hindu Minority and Guardianship Act](#), [Hindu Minority and Guardianship Act S. 6](#), [IDA](#), [Injunction](#), [Interest](#), [Judgment](#), [Judicial precedents](#), [Jurisdiction](#), [Love and affection](#), [Maintainability](#), [Marriage](#), [matrimonial](#), [Minor](#), [Owner](#), [PLRonline 403505](#), [Reasons](#), [ROXANN SHARMA v. ARUN SHARMA](#), [Settlement](#), [Tax](#), [Tender](#), [Title](#), [Warrant](#), [Will](#), [Writ](#)