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**Welfare of the child as a predominant consideration because no statute on the subject can ignore, eschew or obliterate the vital factor of the welfare of the [minor](#).**

It has been held that the principles of law in relation to the custody of a minor child are well settled. While determining the question as to which parent the care and control of a child should be committed, the first and the paramount consideration is the welfare and [interest](#) of the child and not the rights of the parents under a statute. The provisions contained in the Guardians and Wards Act, 1890 and the Hindu Minority and Guardianship Act, [1956](#) hold out the welfare of the child as a predominant consideration because no statute on the subject can ignore, eschew or obliterate the vital factor of the welfare of the minor.

**Mausami Moitra Ganguli v. Jayant Ganguli, (2008) 7 SCC 673**

Tags: [Child welfare](#), [Children](#), [Custody and upbringing of minors](#)