

IN THE COURT OF ADDITIONAL DISTRICT JUDGE  
AIZAWL JUDICIAL DISTRICT, AIZAWL, MIZORAM.

Present : Shri Vanlalenmawia, MJS  
Additional District Judge,  
Aizawl Judicial District, Aizawl.

Guardianship Case No. 1324 of 2015

1. Sahil Joshi  
S/o Neetu Joshi and Sanjay Joshi,  
R/o Thuampui Veng, Aizawl.
2. Shaina Joshi  
D/o Neetu Joshi and Sanjay Joshi,  
R/o Thuampui Veng, Aizawl.
3. Mrs. Neetu Joshi  
D/o Arjna Joshi,  
R/o Thuampui, Aizawl. ....Applicants

-versus-

1. Mr. Sanjay Joshi  
S/o Motilal Joshi,  
R/o Leitan Ramthar Veng,  
Durtlang, Aizawl. ....Opposite Party.

APPEARANCE

For the Applicants	:	Shri. W.Sam Joseph, Advocate.
For the Opposite Party	:	None.

Order delivered on	:	30.11.2015
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**ORDER**

This is an application for issuance of guardianship certificate in favour of the Applicant No. 3 in respect of the minor Applicants No. 1 & 2.

The Applicants and the Opposite Party are Hindus by religion. The Applicant No. 3 and the Opposite Party got married as per Hindu rites on 12.3.2003. The Applicant No. 1 was born to the Applicant No. 3 and the Opposite Party on

22.12.2003 at Presbyterian Church Hospital, Durtlang and the Applicant No. 2 was also born to them on 5.5.2007 at Presbyterian Church Hospital, Durtlang. The Applicants are residing at Thuampui Veng, Aizawl.

The Applicant No. 3 and the Opposite Party separated by way of divorce with effect from 9.8.2011 and the Opposite Party has been living at Saiha since December 2005. The Applicant No. 3 has been looking after their children since their birth. Hence, this application.

The Opposite Party failed to appear before the Court to contest the instant case despite service of notice upon him by post. In the interest of justice, the applicants were directed to publish notice in the local news paper i.e. Vanglaini. The compliance of the direction was reported to the Court. Sufficient opportunity was given to the Opposite Party. However, the Opposite Party again failed to appear and contest the case. Hence, the case proceeded in the absence of the Opposite Party.

### **ISSUES**

One issue was framed for proper adjudication of the case.

- i) Whether the Applicant No. 3 is entitled to be declared as legal guardian of the Applicants No. 1 & 2?

### **EVIDENCE**

The Applicant No. 3 examined herself. In her testimony on oath, she is the natural mother of Master Sahil Joshi and Miss Shaina Joshi born from their wedlock with Sanjay Joshi. After the children were born, her ex-husband and she separated by way of divorce. Both the children are under her care and supervision since the divorce had taken place on 9.8.2011. The children are also pursuing education under her care. She has made a prayer to declare her as legal guardian of the said minor children. She proved the petition, the marriage certificate and the birth certificates of Miss Shaina Joshi and Master Sahil Joshi.

**FINDING**

In the evidence, the applicant No. 3 is the natural mother of the minor Applicants No. 1 & 2 and she has taking care of them since divorce took place between her and the Opposite Party with effect from 9.8.2011. The evidence on record also shows that the minor children are pursuing studies in school. Considering all the facts and circumstances, I am of the opinion that the welfare of the minor children, which is of paramount consideration, will be better shouldered by the Applicant No. 3 and as such her prayer to appoint her as the guardian of the two minors is allowed.

Accordingly, issue a Guardianship Certificate in the name of the Applicant No. 3, Mrs. Neetu Joshi in order to safeguard the minors and to deal with their persons till attaining their majority.

The Case is disposed off.

Given under my hand and the seal of this court on this day of 30<sup>th</sup> day of November, 2015.

Sd/- (VANLALENMAWIA)  
Addl. District Judge,  
Aizawl Judicial District,  
Aizawl, Mizoram.

**Memo No. \_\_\_\_\_/AD&SJ(A)/2015 : Dated Aizawl, the 30<sup>th</sup> November, 2015**

**Copy to: -**

1. Neetu Joshi & Ors. through Counsel Shri W. Sam Joseph, Advocate.
2. Sanjay Joshi S/o Motilal Joshi R/o Leitan Ramthar Veng, Durtlang, Aizawl.
3. District Judge, Aizawl Judicial District, Aizawl.
4. Registration Section.
5. Guard File.
6. Case Record.
7. Calendar Judgment.

**P E S H K A R**