

**IN THE COURT OF PRINCIPAL JUDGE, SHAHDARA  
DISTT. FAMILY COURTS, KARKARDOOMA COURTS,  
DELHI**

**GUARDIANSHIP PETITION NO. OF 2018**

**IN THE MATTER OF:-**

Mr.Father ..Petitioner

Versus

Mrs.Mother  
..Respondent

P.S. Gokalpuri

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**PETITIONER**

Delhi:

Dated:

Through

(XXXXXXXX)

**ADVOCATE**

Ch. No. 123, New Lawyers Chamber  
Supreme Court of India, New Delhi  
995xxxxxxx

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**MEMO OF PARTIES**

Petitioner

**VERSUS**

1. The State (Govt. of N.C.T. of Delhi)

.... Respondents

Delhi:

Dated:

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**PETITIONER**

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**GUARDIANSHIP PETITION NO.      OF 2018**

**IN THE MATTER OF:-**

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..Respondent

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Petition/application under sections 7 read with section 25 of the guardians and wards act 1890, for the appointment of guardian and custody of minor child namely ----- aged about 2 years on behalf of the petitioner

Sir,

It is most respectfully showeth as under:

|    |   |                      |
|----|---|----------------------|
| A. | Name, Sex Religion, Date of birth and ordinary residence of the minor                         |                      |
| B. | Where the minor is a female whether she is married and if so, the name, and age of the minor. | Minor is not married |
| C. | Nature, situation and approximate value of the property, if any, or the minor                 | N.A.                 |

|    |  |   |
|----|--|---|
| D. | Name of residence of the person having the custody & possession of the minor   | Under the custody of the respondent.  |
| E. | What near relations the Minor has and where they reside.   |   |
| F. | Whether the guardian of the person or property or both the minor has been appointed by any person entitled or claiming to be entitled by law to which the minor is subjected to make such appointment. | No  |
| G. | Whether an application has at any time been made to any other Court with respect to the custody of the person of the minor and if so, with that result.  | Complaint U/S 498-A/406/34 IPC which is pending before the CAW Cell, Distt. -----.<br>Petition U/S 125 Cr.P.C. which is pending adjudication.<br>Petition U/S 12 of D.V. Act which is pending before the court of Ms. -----, Ld. M.M. KKD Courts, Delhi |
| H  | Whether the application is for the appointment or declaration of a guardian of the person of the minor, or of his property or of both.   | Application is for the appointment of the guardian of the minor -----<br>- as well as the custody of the child.   |

|   |  |   |
|---|--|---|
| I | Where the application is to appoint a guardian, the qualification of the proposed guardian                           | The applicant is the father of the minor.   |
| J | Where the application is to declare a person to be a guardian, the grounds on which that person claims.              | The petitioner is the father of the minor and may provide good education, shelter, maintenance for the welfare of minor.  |
| K | The cause which have led to the making of the application.   | Because there is no chance of reunion and the respondent will perform the marriage, certainly with any other one and minor child shall suffer for her emotions and modesty, if she goes with her mother after her marriage to any other religion or to any stranger which is not like of the minor child. The father has not performed any marriage since separation, despite his desertion and having his parents to maintain the son. |
| L | Such other particulars if any as may be presented or as the nature of the application renders if necessary to state. | That the marriage between the petitioner and the respondent likely to be dissolved as the respondent has caused   |

|  |  |   |
|--|--|---|
|  |  | cruelties and is deserting the respondent continuously since ---- |
|--|--|---|

GROUNDS ON WHICH THE PETITIONER SEEK TO BE APPOINTED/DECLARED AS GUARDIANS OF THE MINORS.

1. That the marriage between the petitioner and the respondent No. 2 was solemnized on ----- according to Hindu Rites and customs at -----, and one son namely ----- was born out from this wedlock on -----.
2. That it is submitted that the petitioner is having normal liability of his minor son and he is paying the school fee, all study material and other expenses of his minor son i.e. -----.
3. That the minor son of the petitioner i.e. -----
4. That the son is aged about 2 years and he may lie in a nice manner with the petitioner, the **duty of the petitioner is adjustable the same may be adjusted as per the requirement, if the custody of the daughter remain with the hands of the petitioner.**
5. That since leaving the house by the respondent No.2, the petitioner has taken the sincere efforts to reunion but due to intervention of the parents of the respondent No. 2, he has not succeeded, even the respondent No. 2 never picked up the phone of the petitioner and never exchanged any voice.
6. That there is no possibility to reunion with the respondent No. 1 and the respondent No. 2 is the quite young and shall perform the marriage with any

other person, the custody of the minor goes to somebody else after the marriage of respondent No. 2 and she may be married in such odd relations which may be odd for the petitioner and his son in future, hence the custody of the minor is required for the petitioner to sake and save the life and modesty of the minor child from the hands of the respondent No. 2.

7. That minor ----- is the child which can be turned if the truth is disclosed before her and the petitioner as well as the other family members tutored the same but the respondent is bent upon to ruin the life of the petitioner and is deserting him since ----- without any sufficient cause and also is deserting the life of the child, as he is need for the love and affection of the mother and father but the affection of the father are being paid by the father of the respondent No, 2, as the minor child knows him as her own father.
8. That the applicant is the father of minor baby ----- and the petitioner is having sufficient income for the betterment, care, custody, look after and maintain his minor son.
9. That the petitioner is having the sufficient funds/income to provide the better maintenance, better education better accommodation and also is able to provide more time with the minor child if the custody is handed over to the petitioner.
10. That the petitioner is ready to fulfill all the terms and conditions imposed by this Hon'ble court in any manner and is ready to provide all things

whatever ordered by this Hon'ble court for her custody.

11. That none of the family members of the respondent No. 2 is responsible for the child and there is no love and affection for the child in the family of the respondent No. 2 or with the respondent No. 2 for the child. It is clear that in property care and malnutrition child is not maintaining good health nor he is put under proper guidance. The petitioner came to know the fact from the sources that the child generally fell sick at regular interval and there is no one to improper care of the child and also not competent to teach and upbringing the minor child as is required for the child of the age, according to the age of child he require plenty of time from reasonable devoted address who can impart general knowledge, good manner, attempt to her requirement and also make his educated with social culture, covering the entire gamput of mythology religious practice which can only possible at the house of the petitioner and not at all in the custody of the respondent No. 2 who remained most of the time in her profession.

12. That the minor child also need constant, emotional support and protection and therefore the petitioner being father and his parents are competent person who can only properly maintain the minor child but also can fulfill the requirement and needs of the minor child.

13. That the main motive of the petitioner is that the minor child could not be suffered and deprived of the love. The petitioner is ready and willing to take



the custody and is having sufficient and spare time to take care of the minor child and to meet his demands, if the custody of the minor child given to the petitioner in that event the child can be properly feed and attended to in all the aforementioned manner as essential for the growth and all around development of his health mind and future prospectus, the petitioner being the father of the child have all love and affection and if the custody if given to the petitioner in that event no prejudice or harm will be caused either to the respondent No. 2 or minor child. It is here to mention that the welfare of the child is primary important and the same cannot be taken care by the respondent No. 2 in view of the aforementioned facts.

14. That it submitted that in the month of November, 2010 the respondent No. 2 left her matrimonial house and living with her parents and the petitioner and his family members visited the parental house of the respondent No. 2 requested her parents to send with the petitioner at her matrimonial home but the respondent No. 2 flatly refused to return her matrimonial home.

15. That the welfare of the minor child is the paramount consideration before this Hon'ble court and the petitioner is not only making a point about material and physical well being and happiness of the child but every circumstances and every factor being upon the moral and religious welfare and the education and upbringing of the child can be better protected by the petitioner.

16. That the present petition is being filed in the interest and welfare of the child and there has been no improper and unnecessary delay in filing the instant petition.
17. That the minor child is residing in Delhi within the local limits of this Hon'ble court, hence this Hon'ble Court has got the territorial jurisdiction to entertain and decide the present petition.
18. That the present petition is not presented with the collusion of the respondent.
19. That the necessary court fees has been affixed on the head of the instant petition.

### **PRAYER**

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to pass the following order:

- i. Appoint the petitioner as guardian of the child for any and all the purposes and/or
- ii. To direct the respondent No. 2 to handover the custody of minor child namely ----- to the petitioner permanently and/or
- iii. Any other relief/relieves may kindly be granted which this Hon'ble Court deems fit and proper in the interest of justice.

**DECLARATION**

The Guardian proposed in the above application do hereby declare that I am willing to act as such.

**PETITIONER**

Delhi:

Dated:

Through

**(Sxxxxxxxn)**

**ADVOCATE**

Ch. No. 123, New Lawyers Chamber  
Supreme Court of India, New Delhi

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**Verification**

Verified at Delhi on this\_\_\_ day of December, 2018 that the contents of the above petition are true and correct to my knowledge based on personal knowledge and records available with me. Nothing material has been concealed therefrom and no part thereof is false.

*My Nation*

**PETITIONER**