

**(1878) 02 AHC CK 0002****Allahabad High Court****Case No:** None

Abasi

APPELLANT

Vs

Dunne

RESPONDENT

**Date of Decision:** Feb. 15, 1878**Citation:** (1875) ILR (All) 598**Hon'ble Judges:** Robert Stuart, C.J; Pearson, J**Bench:** Division Bench**Final Decision:** Dismissed

### **Judgement**

Pearson, J.

The claim in this suit was simply for the recovery of the minor, Chittan, from the custody of the Government; and the fact that the plaintiff is a prostitute, and therefore an unfit person to have the charge of the girl, seems to be a sufficient reason for dismissing the claim in the interest of the minor. It may be admitted that the plaintiff would, under the Muhammadan law, be *prima facie* entitled to the guardianship of her younger sister, were her fitness for the charge established; but her own bad character and manner of life must be held to disqualify her; and we must affirm the decree of the lower Courts dismissing her suit. It is stated in the plaint that the tenets of Christianity are being imparted to the minor at the Orphanage at which she has been placed by the Magistrate, and that "in bringing her claim, the plaintiff prays that the Court, after satisfying itself that the plaintiff would not bring up the minor in her own trade of prostitution, and that she would marry her according to Muhammadan law, may order the minor to be given to her." But it is difficult to see how the minor, if made over to her, could be secured from the evil effects of her example, influence, and association the appeal is dismissed with costs.