

Abasi Vs Dunne

Court: Allahabad High Court

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.