REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

MOUSMI KOTA V. VARUN KOTA (2008)

BENCH: Mr. Justice Tarun Chatterjee & Mr. Justice Dalveer Bhandari **DECIDED:** March 7, 2008

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Stability and emotional welfare of child override legal rights of parents; uprooting child from settled custody is contrary to best interests.

1. Factual Matrix & Background:

The parents engaged in intense custody litigation over their minor child. The child had been living happily and stably with the mother for several years, attending school. The father sought transfer of custody relying on superior financial status and paternal guardianship rights under Hindu law.

2. Substantive Legal Questions Framed:

Whether superior financial status or paternal rights can justify disturbing settled custody of a minor child who is emotionally well-adjusted with the mother.

3. Analysis & Ratio Decidendi:

The Supreme Court affirmed custody with the mother, holding that in custody proceedings, the paramount consideration is the welfare of the minor child, not the statutory rights of parents. Stability, emotional bonding, education, and psychological comfort are critical. An established home and settled custody must not be disrupted merely because the other parent is wealthier.

4. Principles Enunciated:

- 1. Welfare of the minor child is the supreme and paramount guiding consideration.
- 2. Financial superiority alone cannot outweigh maternal love and emotional stability.
- 3. Uprooting a child from an established domestic environment causes severe trauma.

5. Practical Litigation Implications:

- In custody battles, place child school report cards, psychological evaluations, and daily routine schedules on record to prove stability and emotional well-being in current custody.

.....J.
[SUPREME COURT BENCH]

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