

GAHC020000892024



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)
KOHIMA BENCH**

Case No. : C. REVN/3/2024

SHRI HAILUNGNING ZELIANG
R/O H. APARTMENT BUILDING
PURANA BAZAR, NEAR ZION HOSPITAL
DIMAPUR NAGALAND

VERSUS

SMTI. ABIGAIL ACHIKU YEPTHOMI
D/O H. TOHUVI YEPTHOMI
R/O H. APARTMENT BUILDING
PURANA BAZAR, NEAR ZION HOSPITAL
DIMAPUR NAGALAND

Advocate for the Petitioner : TONGPOK PONGENER

Advocate for the Respondent : C. T. JAMIR, SR. ADV

Linked Case : WP(C)/8/2024

MR. HAILUNGNING ZELIANG
S/O KELEI ZELIANG
R/O H APARTMENT BUILDING
PURANA BAZAR
NEAR ZION HOSPITAL
DIMAPUR
NAGALAND-797112

VERSUS

THE PRINCIPAL JUDGE
FAMILY COURT AND ANR

O/O DISTRICT AND SESSIONS JUDGE
DIMAPUR
NAGALAND-797113

2:SMTI. ABIGAIL ACHIKU YEPTHOMI
W/O HAILUNGNING ZELIANG
DAUGHTER OF H. TOHUVI YEPTHOMI
R/O H. APARTMENT BUILDING
PURANA BAZAR
NEAR ZION HOSPITAL
DIMAPUR-797112

Advocate for : KN CHOUDHURY
Advocate for : appearing for THE PRINCIPAL JUDGE
FAMILY COURT AND ANR

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 26-02-2024

Heard Mr. Tongpok Pongener, learned counsel appearing on behalf of the petitioner and Mr. C.T. Jamir, learned counsel appearing on behalf of the respondent.

The two proceedings arises in view of an Order dated 19.12.2023, passed by the learned Principal Judge, Family Court, Dimapur, in I.A. Case No. 70/2023 under Section 12 of the Guardians & Wards Act, 1890. The said proceedings emanates from the Custody Case No. 12/2023.

This Court has perused the said Order and the various directions which have been passed.

2. This Court, after hearing both the learned counsels appearing on behalf of the parties, is not inclined to exercise its jurisdiction conferred upon this Court in respect to the Order dated 19.12.2023, more so when the said order is interim in nature.

3. However, it is the opinion of this Court that the various terms and conditions as stipulated in the Order dated 19.12.2023 may require certain modifications, more so, taking into account that certain clarity will

be required as regards the visitation rights. It is also the opinion of this Court that the learned Principal Judge would also be in a position to talk to both the father and the mother and also have a word with the child in deciding what further terms and conditions are required in the interim.

4. Under such circumstances, this Court disposed of the present proceedings requesting the learned Principal Judge, Family Court, Dimapur, to hear both the parties in person and decide as to whether further modifications are required to the terms and conditions in the Order 19.12.2023, and more so, in respect to the visitation rights, which requires, in the opinion of this Court, some more clarity. This Court further requests the learned Principal Judge, Family Court, to do the same as early as possible and preferably within a period of 15 (fifteen) days from the date of the appearance of both the parties before the said Court.

5. It has been submitted by both the counsels appearing for the parties that the parties shall appear before the learned Principal Judge, Family Court, on 01.03.2024.

6. The instant proceedings stands closed with the above observation.

7. The interim order which has been passed in WP(C)/8/2024 shall continue till further directions are passed by the learned Principal Judge, Family Court, pursuant to the appearance of the parties, as deemed fit.

Sd/-
JUDGE

Comparing Assistant