

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT APPEAL NO. 289 OF 2015**

(51)

1. Smt. Sarayu Devi W/o Shri Parmanand Jaiswal, aged about 60 years.
2. Vibhuti Jaiswal, S/o Shri Parmanand Jaiswal, aged about 34 years.
3. Smt. Pallavi Jaiswal W/o Vibhuti Jaiswal, aged about 27 years.

All by Caste Kalwar (Jaiswal), R/O Muhalla Patpariya, Kanya Parisar Road, Near Government Primary School, Police Station Gandhi Nagar, Ambikapur, District Sarguja, Chhattisgarh. (Respondent no. 5 to 7)

... Appellants**Versus**

1. State of Chhattisgarh, through the Secretary, Department of Home, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh.
2. Collector, Ambikapur, District Sarguja, Chhattisgarh.
3. Sub Divisional Magistrate, Ambikapur, District Sarguja, Chhattisgarh.
4. Station House Officer, Police Station Gandhi Nagar, Ambikapur, District Sarguja, Chhattisgarh. (Respondent no. 1 to 4)
5. Sonam Devi W/o Shri Sanjay Choudhary, age about 25 years, R/o Sultan Ganj, Gopal Road, Post and Police Station Sultan Ganj, District Bhagalpur Bihar (Petitioner).

... Respondents

For Appellants

Mr. CJK Rao, Advocate.

For Respondent Nos. 1 to 4

Mr. UNS Deo, Govt. Advocate.

For Respondent No.5

Mr. Mateen Siddiqui, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Judgement on Board****Per NAVIN SINHA, C.J.****14/05/2015**

1. Heard Counsel for the Appellants, Respondent Nos. 1 to 4 and Respondent No.5.
2. Respondent No.5 is the natural mother of the child in question, today approximately 7 years of age. The husband of Respondent No.5 unfortunately died prematurely. The Appellants are the mother of the deceased husband, his brother and the latter's wife. They filed an application under Section 97 Cr.P.C. for custody of the minor child, which was allowed by the Sub Divisional Magistrate leading to the Writ Petition.
3. Since the Appellants have now filed an application before the competent Court for custody of the child, suffice it to observe for the present that we find no reason to interfere with the order under appeal which is otherwise very well considered and reasoned with regard to the interest of the minor child.
4. The Appeal is dismissed.

Sd/-
Navin Sinha
Chief Justice

Sd/-
P. Sam Koshy
Judge