

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 783 of 2015

1. Manoj Somnani S/o Shri Hundal Somnani, Aged About 36 Years R/o Sindhi Colony
Bilaspur, Tehsil And District Bilaspur Chhattisgarh

---- **Petitioner**

Versus

1. Smt. Bishakha Dey W/o Shri Manoj Somnani, Aged About 34 Years R/o Mitra Vihar
Link Road, Police Station Civil Lines Bilaspur, Tehsil And District Bilaspur Chhattisgarh

---- **Respondent**

For Petitioner.

: Shri Sunil Otwani, Advocate.

Order On Board

18/09/2015

Heard.

1. Petitioner has assailed legality and validity of the order dated 31-8-2015 by which a very limited visitation right has been given to the petitioner.
2. Learned counsel for the petitioner submits that the petitioner is the father of 5 ½ years old boy residing with his mother, both the parties are residing at Bilaspur. Application for custody moved by the petitioner is pending before the Family Court. Grant of visitation right only once in a month will deprive the child from affection and guidance of his father and, at the same time, the petitioner is also deprived to take care and have the company of his son.
3. Learned counsel for the petitioner expressed an apprehension that even if the respondent and her family members and the child wanted to meet the petitioner or to spend some time with the petitioner, they may be accused of violating court's order. In that regard, it is made clear that if respondent/wife or family members allow to meet the petitioner, the order of visitation once in a month will not come in his way.
4. Instead of changing the present arrangement of visitation made by the Family Court, I am inclined to dispose off the petition with a direction to the Family Court to decide the

application for custody of the child as early as possible preferably within a period of four months from the date of receipt of certified copy of this order. However, if for reasons attributable to the respondent there is delay in the decision of the application, the petitioner would be at liberty to apply for increasing the frequency of visitation before the Family Court.

5. Accordingly, the petition is disposed off.

Sd/-

Manindra Mohan Shrivastava

Judge

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