

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 677 of 2018**

1. Ritesh Patkar @Nobel Patkar, aged about 35 years, S/o Omprakash Patkar, R/o Near Reliance Tower, Tulshi Nagar (Behind Krishna Nagar), Gudiya, Raipur, Tahsil and District Raipur (C.G.).....(Plaintiff)

---- Petitioner**Versus**

1. Gayatri Namdev, aged about 31 years, D/o Chandra Prakash Namdev, through Pankaj Namdev, R/o Near Devkripa Hospital, New Rajdhani Motor Driving School, Shankar Nagar, Raipur, Tahsil and District Raipur (C.G.).....(Defendant No. 1)
2. Pankaj Namdev, aged about 31 years, S/o Chandra Prakash Namdev, R/o Near Devkripa Hospital, New Rajdhani Motor Driving School, Shankar Nagar, Raipur, Tahsil and District Raipur (C.G.)(Defendant No. 2)
3. Chandra Prakash Namdev, R/o Kurmipara, Beside Ram Mandir, Mahasamund, District Mahasamund, (C.G.).....(Defendant No. 3)

---- Respondents

For Petitioner	:	Shri Hemant Gupta, Advocate.
For Respondents	:	None.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****21/08/18**

1. Learned counsel appearing for the petitioner would submit that application filed by the petitioner under the provisions of the Guardian and Wards Act, 1890 (for brevity, 'Act of 1890') for having custody of his daughter has been rejected by the Family Court, Raipur by order dated 18.04.2018 (Annexure – P/1) against which this writ petition has been preferred.
2. I have heard learned counsel for the petitioner.
3. Since, the application filed by the petitioner under the provisions of Act of 1890 for having custody of his daughter is appealable under Section 47(C) of the Act of 1890, therefore, this writ petition is not maintainable.

4. Accordingly, the writ petition is dismissed as not maintainable. However, the petitioner would be at liberty to prefer an appeal before the Appellate Authority in accordance with law.

5. Certified copy of the impugned order be returned to the counsel for the petitioner on furnishing attested photocopy thereof. No order as to cost(s).

SD/-

(Sanjay K. Agrawal)
Judge