

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition(227).No. 93/2019**

Kamleshwar Sharma, aged about 31 years, S/o Shri Ghanshyam Sharam, R/o K.K. Ward, Badal Pani Pouch Gali, Bhatapara, Police Station & Tahsil- Bhatapara, Civil & Revenue District Balodabazar- Bhatapara (CG) Mo. No.-7000754120

(Petitioner)
---- Plaintiff

Versus

Smt. Niharika Sharma, aged about 27 years, W/o Kamleshwar Sharma, R/o- C/o- Seshnarayan Tiwari (Father), Ward No. 5, Brahmanpara Simga, Police Station & Tahsil- Simga, Civil & Revenue District Balodabazar- Bhatapara (CG)

(Respondent)
----Defendant

For Petitioner	:	Mr. Mayank Chandrakar, Advocate.
For State	:	Mr. Vimlesh Bajpayee, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/02/2019

1. By the impugned order, the learned Additional District Judge, Bhatapara has granted visitation right to the petitioner/plaintiff in lieu of interim custody, against which this writ petition has been preferred.
2. Learned counsel for the petitioner/plaintiff would submit that the Family Court ought to have granted interim custody of Minor Ku. Avni Sharma to the petitioner and visitation rights have been granted for limited hours which is bad in law.
3. I have heard learned counsel for the petitioner and perused the impugned order.

4. In the considered opinion of this Court, since application for interim custody filed by the petitioner under Sections 25 and 7 of the Guardian & Wards Act, 1890 is pending consideration, the trial Court is absolutely justified in allowing visitation rights to the petitioner for limited period. However, the petitioner is at liberty to move application before the concerned trial Court in accordance with law for granting additional time to meet with his ward.
5. With the aforesaid observation, the writ petition finally stands disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge

Ruchi