

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No. 77 of 2019

- Ritesh Kumar Agrawal S/o Shri Natwarlal Agrawal, Aged About 34 Years R/o Ward No. 05, Infront Of Durga Temple Baradwar, Police Station Baradwar, Tahsil Sakti, District Janjgir Champa Chhattisgarh At Present R/o C-2, Sun Flower Tower, Beside Krishna Public School, Mangla Chowk Bilaspur, Police Station Civil Lines, Tahsil And District Bilaspur Chhattisgarh, Mo. No. 7000388039, 9993775004.

---- Petitioner

Versus

- Smt. Payal Agrawal W/o Ritesh Kumar Agrawal Aged About 33 Years R/o C-2, Sun Flower Tower, Beside Krishna Public School, Mangla Chowk Bilaspur, Police Station Civil Lines, Tahsil And District Bilaspur Chhattisgarh, Mo. No. 7974988814,9685459300.

---- Respondent

For Appellant :- Shri Ratnesh Kumar Agrawal, Advocate

Hon'ble Shri Prashant Kumar Mishra, Ag. CJ

Hon'ble Shri Parth Prateem Sahu, J.

Judgment on Board

By

Shri Prashant Kumar Mishra, Ag. CJ

28/03/2019

1. The appellant was earlier allowed visitation rights by the trial Court, which is hearing appellant's application for grant of

divorce under Section 13 of the Hindu Marriage Act, 1955.

2. The impugned order would reveal that the appellant did not accord due importance to the paramount interest of the child as he took away the child Ku. Aahna Agrawal from the possession of the respondent-wife on 24.02.2019 when her annual examination was scheduled to commence the very next day i.e. 25.02.2019. Even though the child may be a student of K.G. standard, the fact remains that the appellant took away custody of the child for which he was not entitled as there was no order for handing over custody to him. The earlier order was only for visitation rights to the appellant.
3. Considering that the proceedings before the trial Court is at the stage of recording evidence of the parties, we deem it appropriate to order that the trial Court shall do well to dispose of the divorce proceedings at the earliest preferably within a period of 3 months from today.
4. Accordingly, the appeal is dismissed with above observation.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge