

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 613 of 2017

- Himanshu Kumar Sharma S/o Shri Vijay Kumar Sharma, Aged About 30 Years Resident Of C/o R. Chaurasiya, Near Kaali Temple Kalika Nagar, Tifra, Bilaspur, Police Station Sirgitti, Bilaspur Chhattisgarh.

---- Petitioner

Versus

- Smt. Sonam Sharma D/o Shri Vikas (Bikash) Saha, Aged About 27 Years Earlier Residing At House Of Sahu Ji, Smt. Sumitra Sahu Ji's House, Near Sai Temple, District Bemetara Chhattisgarh., Currntly Residing At Vividh - 2, Naveen Bazar, Bemetara Chhattisgarh Other Address Smt. Sonam Sharma, Date Entry Operator In District Treasury, Bemetara Chhattisgarh.

---- Respondent

CONT No. 115 of 2018

- Himanshu Kumar Sharma S/o Shri Vijay Kumar Sharma Aged About 30 Years, Resident C/o R. Chaurasiya, Near Kaali Temple Kalika Nagar, Tifra, Bilaspur, P. S. Sirgitti, Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- Shri Jitendra Kumar Thakur Chief Judicial Magistrate District & Session Court, Bemetara, Chhattisgarh.....
(Contemnor).

---- Respondent

CONT No. 622 of 2018

- Himanshu Kumar Sharma S/o Shri Vijay Kumar Sharma, Aged About 31 Years R/o C/o. R. Chaurasiya Near Kaali Temple Kalika Nagar, Tifra, Bilaspur, P. S. Sirgitti, Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- Smt. Anita Dahariya Principle Judge, Family Court District Bemetara, Chhattisgarh.Contemnor.

---- Respondent

WPCR No. 273 of 2017

- Himanshu Kumar Sharma S/o Shri Vijay Kumar Sharma, Aged About 30 Years R/o C/O R. Chaurasiya, Near Kaali Temple Kalika Nagar, Tifra, Bilaspur, Police Station Sirgitti, Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. Smt. Sonam Sharma D/o Shri Vikas (Bikash) Saha, Aged About 27 Years Earlier Residing At House Of Sahu Ji, Smt. Sumitra Sahu Ji's House Near Sai Temple, District Bemetara, Chhattisgarh, Currently Residing At Vividh- 2, Naveen Bazar, Bemetara, Chhattisgarh, Other Address Smt. Sonam Sharma, Data Entry Operator In District Treasury, Bemetara, Chhattisgarh.

2. Shri Bikash Saha S/o G D Saha Aged About 45 Years Permanent Residing At C/o Sanju Medical Store, Near Netaji Chowk, Kapsi, Pakhanjur, Kanker, Chhattisgarh. Current Residing At C/o Sonam Sharma, Vividh- 2, Naveen Bazar, Bemetara, Chhattisgarh.
3. Sm. Aparna Saha W/o Shri Bikash Saha Aged About 42 Years Permanent Residing At C/o Sanju Medical Store, Near Netaji Chowk, Kapsi, Pakhanjur, Kanker, Chhattisgarh. Current Residing At C/o Sonam Sharma, Vividh- 2, Naveen Bazar, Bemetara, Chhattisgarh.
4. Shri Naresh Tiwari Advocate Bemetara District And Session Court, Bemetara, Chhattisgarh.
5. Yashoda Sahu, Mahila Sanrakchan Adhikari Protection Officer, Mahila And Bal Vikash Vibhag Women And Children Development Department, Bemetara, Chhattisgarh.
6. Yashwant Soni S/o Shyamlal Soni, Clerk Of Advocate Shri Naresh Tiwari, District And Session Court, Bemetara, Chhattisgarh.
7. Sanju Das Owner Of Sanju Medical Stores, Netaji Chowk, Kapsi, Pakhanjur, District Kanker, Chhattisgarh.
8. T.I. Police Station Bemetara, Chhattisgarh.
9. Superintendent Of Police, District Bemetara, Chhattisgarh.
10. Director General Of Police, of State Chhattisgarh, Raipur, Chhattisgarh.
11. Secretary, Department Of Home Mantralaya, Naya Raipur, Chhattisgarh.
12. Right To Information Officer, District Treasury , Raipur,

Chhattisgarh.

13. Right To Information Officer, Directorate Of Treasury ,
Accounts And Pensions, Indravati Bhawan, Naya Raipur,
Chhattisgarh.
14. Director Directorate Of Treasury, Accounts And Pensions,
Indravati Bhawan, Naya Raipur, Chhattisgarh.
15. Director, Mahila And Bal Vikas Vibhag Women And Children
Development Department, 2nd Block 2nd Floor, Indravati
Bhawan, Naya Raipur, Chhattisgarh.

---- Respondents

TPCR No. 8 of 2018

- Shri Himanshu Kumar Sharma S/o Shri Vijay Kumar
Sharma, Aged About 30 Years R/o C/o R. Chaurasiya, Near
Kaali Temple Kalika Nagar, Tifra, Bilaspur, P.S. Sirgitti
Bilaspur Chhattisgarh. Mob No 9907789055.

---- Petitioner

Versus

- Shri Tejas Sharma S/o Shri Himanshu Kumar Sharma,
Mother's Name Smt. Sonam Sharma, D/o Shri Vikash
(Bikash) Saha, Aged about 28 years, Earlier Residing At
Vividh-2, Naveen Bazar, Bemetara (Chhattisgarh) Currently
Residing At Nayapara, Tehsil And District Bemetara
Chhattisgarh Other Address Smt. Sonam Sharma, Data
Entry Operator In District Treasury, Bemetara Chhattisgarh.

---- Respondent

For Petitioner(s)	:-Shri Himanshu Kumar Sharma (petitioner in person)
For Respondent-State	:-Shri R.S. Baghel, Dy. A.G.
For Respective Respondents	:-Shri Anupam Dubey, Shri Aman Kesharwani, Advocates
Amicus Curiae	:-Shri Sunil Otvani, Advocate

Hon'ble Shri Prashant Kumar Mishra, Ag. CJ

Hon'ble Shri Parth Prateem Sahu, J.

Order on Board

By

Prashant Kumar Mishra, Ag. CJ

29/04/2019

1. Pursuant to our previous order both the parties had moved application under Section 13B of the Hindu Marriage Act, 1955 for grant of divorce by mutual consent. The said application has been allowed by the Family Court on 27.04.2019 by waiving the cooling-off period.
2. The dispute between the parties concerning their marriage has thus been settled except the dispute concerning custody of minor Tejas Sharma and the issue regarding maintenance to the said Tejas Sharma who is presently residing with his mother.
3. In the Civil Suit preferred by husband Himanshu Kumar Sharma seeking custody of the Tejas Sharma an interim order allowing visitation rights has been passed by the

Family Court allowing him to meet Tejas Sharma in a congenial atmosphere during school hours. However, since schools are being closed for summer vacation, that order may not be effective for the next two months, therefore, while disposing of the present batch of petitions, we direct that applicant-Himanshu Kumar Sharma shall be permitted by his wife Smt. Sonam Sharma to meet his son Tejas Sharma on every Saturday between 5:00 pm to 7:00 pm at the Mahila Paramarsh Kendra, Bemetara. It is made clear, either of the parties shall not create any untoward circumstance, during the meeting, which may adversely affect the formative mind of the minor who is aged about 6 years.

4. All the petitions stand disposed of subject to above observations. It is made clear that petitions/proceedings concerning custody and maintenance of minor Tejas Sharma shall continue. It is also made clear that in the event of fresh cause of action in these two matters only, the parties would be at liberty to approach this Court.
5. If any third party creates obstruction in the way of Himanshu Kumar Sharma in meeting his son, he would be at liberty to lodge FIR against the said individual. In such case the concerned Police Station shall register FIR and proceed in accordance with the law.

6. We record our appreciation for Shri Sunil Otwani, learned Amicus Curiae, without whose intervention the warring spouse would not have resolved the dispute.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

Ankit