

HIGH COURT OF CHHATTISGARH, BILASPUR

FA(MAT) No. 6 of 2019

- Tripesh Kumar Sharma Petitioner In Person S/o Shri Shankarlal Sharma Aged About 40 Years Niwasi Kayasth Para Panchmukhi Hanuman Mandir Ke Piche, Thana Citi Kotwali, Durg District Durg Chhattisgarh. Pin No. 491001

---- Appellant

Versus

- Smt. Priyanka Sharma W/o Shri Tripesh Kumar Sharma Aged About 35 Years D/o Dinesh Tiwari, Niwasi Kashyap Colony, Gali No. 03, Purana Bus Stand Citi Kotwali Bilaspur, District Bilaspur Chhattisgarh. Pin No. 495001

--- Respondent

For Appellant : Mr. Tripesh Kumar Sharma, appellant in person.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

23/09/2019

Heard.

1. This appeal is directed against order dated 09.08.2019, by which, the learned Family Court has granted custody of the child to the mother, taking into consideration the tender age of the girl and all other relevant considerations after coming to the conclusion that the paramount consideration requires the girl child to remain with her mother.
2. The appellant in person has approached this Court against the impugned order mainly raising grievance that he has not been granted even visitation rights during the pendency of the appeal.
3. He would further submit that if he is not allowed even to meet his daughter, the daughter may completely loose all affinity and acquaintance with the appellant/father which would be not only against the interest of the child but also the appellant's right.

4. We find that the Court below has, by a very detailed order, running into about 133 paragraphs has taken into consideration as to where the welfare of the child lies while giving her custody to the mother. While recording finding that the welfare of the girl child rests in giving her custody to her mother, the learned Court below has taken into consideration the age of the girl, the background of the appellant as well as respondent mother, the financial capacity of the mother and all relevant considerations. Therefore, as far as the custody, as prayed for, is concerned, we are not inclined to interfere with the order, however, the appellant is fully justified in seeking a direction that he being the father of the girl child is entitled to visitation rights. Even if, child is living with her mother, the appellant being the father of the child cannot be denied visitation rights. Accordingly, we order that the appellant would be entitled to meet and visit his daughter Ku. Tanishi Sharma every Sunday between 5 p.m. to 8 p.m. in the evening. He would be allowed to meet the child offer her gifts and subject to the consent of the mother of the child, the appellant may also take the girl child for outing.
5. Accordingly, impugned judgment and decree is modified only to that extent.
6. Let appellate decree be accordingly drawn.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge