

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 781 of 2019

- Anjali Agrawal D/o Mahesh Agrawal, Aged About 27 Years, R/o Ratan Restaurant, Bishra Road, Raurkela (Orisha) wrongly mentioned in the record of court below as R/o Village Belgahana, Marwadi Mohalla, Sant Cloth Stores, Belgahana, Tahsil Kota, District Bilaspur Chhattisgarh.....Non-Applicant, District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

- Sohil Agrawal S/o Shri Nandkishore Agrawal, Aged About 29 Years, R/o A/5, Parijat Extension Nehru Nagar, Bilaspur, Tahsil and District Bilaspur Chhattisgarh.....Applicant, District : Bilaspur, Chhattisgarh

---- Respondent

For Petitioner – Shri M.P.S. Bhatia, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-10-2019

1. This petition has been brought challenging order dated 11-09-2019 by which the opportunity of filing written reply of the petitioner/non-applicant has been closed by the Family Court Bilaspur.
2. It is submitted that the petitioner is resident of State Odisha and her minor child of aged 5 years is in her custody. The Respondent has filed an application under Section 25 of Guardian and Wards Act, 1890 praying for custody of the child. The petitioner wants to contest the application.
3. The petitioner was although given last opportunity for submitting her written reply, but because of physical illness she could not present herself before the Court on that day, therefore, her opportunity was closed, which is arbitrary order, hence, it is prayed that the said order be set aside.
4. After considering on the submission so made and the ground mentioned in the application, I feel inclined to dispose off this petition at the motion stage without issuance of notice to the respondent. Accordingly, the impugned order

is set aside and the family Court below is directed that a reasonable opportunity be given to the petitioner for filing her written reply.

5. Certified copy today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil