

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 26 of 2019**

Irfan Ur Rahim Khan S/o Anwar Ur Rahim Aged About 54 Years R/o E-1, Nutan Colony, Sarkanda, Bilaspur, District Bilaspur Chhattisgarh.

---- Appellant**Versus**

1. Smt. Farha Khan D/o Late Anish Hassan Khan Aged About 42 Years
2. Fiyon D/o Farha Khan Aged About 10 Years
3. Arhan Khan S/o Farha Khan Aged About 10 Years

No. 2 and 3 are Minor, Through Natural Guardian Mother Namely Farha Khan (Respondent No. 1)

All R/o Jatiya Talab, Om Nagar, Jarhabhata, Bilaspur, Present Address - Flat No. 203. 2nd Floor, C.K. Heights, Chadda Badi, Nehru Nagar, Bilaspur, Tahsil And District Bilaspur Chhattisgarh.

4. State Of Chhattisgarh Through The Secretary, Education Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
5. District Education Officer Bilaspur, District Bilaspur Chhattisgarh.
6. Superintendent Of Police Bilaspur, District Bilaspur Chhattisgarh.

---- Respondents

For Appellant	: Ms. Hamida Siddiqui, Advocate.
For Respondent/State	: Shri Siddharth Dubey, Deputy Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**05/02/2019****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. It is an interim order dated 28.11.2018 against which the present appeal has been preferred. The learned Single Judge as an interim measure has given a direction to allow the two children, the son and daughter of the present Appellant, to continue their studies in what is known as Winners Vallery School, Jarhabhata.

3. The main writ application which is a fight between the husband and wife for custody of the children is still pending.

4. We are of the opinion that in the interest of education and future of the two children, the interim order has been passed. However, this interim order will be subject to the final order and adjudication which may be made by the learned Single Judge on the issue of custody.

5. The appeal stands disposed off with the observation as above.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE