

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 908 of 2019

1. Deepika Mishra, W/o. Late Shivam Mishra, Aged About 27 Years, Previously Residing At Village Aamgaon, Police Station and Tahsil Tamnaar, District Raigarh Chhattisgarh. Presently Residing At Village Jagatgarh, Police Station Sundergarh, Sadar, Tahsil Sabdega, District Sundergarh Odisha.

---- Petitioner

Versus

1. Bhupdev Mishra, S/o. Gokulanand Mishra, Aged About 66 Years
2. Vinodani Mishra, W/o. Bhupdev Mishra, Aged About 63 Years
3. Satyam Mishra, S/o. Bhupdev Mishra, Aged About 38 Years
4. Kavita Mishra, W/o. Satyam Mishra, Aged About 30 Years,
5. Minor Anant Mishra, S/o. Late Shivam Mishra, Aged About 7 Years, (Presently In The Custody of R - 1 Herein, As Such Represented Through R -1 Herein Namely Bhupdev Mishra),

All are R/o Village Aamgaon, Police Station and Tahsil Tamnaar, District Raigarh Chhattisgarh.

-----Respondents

For Petitioner : Mr. Hari Agrawal, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/11/2019

1. This petition has been brought being aggrieved by the order dated 04.11.2019, passed by the learned Additional District Judge, Gharghoda, District – Raigarh (C.G.) in Civil Suit No.25-A/2019 by dismissing the application of the petitioner praying for modification in the order dated 07.09.2019.
2. It is submitted that on the application filed by the petitioner, order dated 07.09.2019 was passed by allowing the application of the petitioner permitting her to visit her son every week in presence of one person or

relative agreed upon by both the parties.

3. As the petitioner was in jail for being prosecuted in case of murder of her own husband and it was not possible for her to comply with the direction given in the order dated 07.09.2019, therefore, she has filed another application praying to modify the order dated 07.09.2019 that she may be permitted to meet her son in Court premises. The learned Trial Court has rejected this application making a mention that if the, presence of the son of the petitioner is required in the Court premises that will adversely affect his mentally and also affect his studies, therefore, the application has been rejected.
4. It is now suggested by the counsel for the petitioner that the petitioner may be given permission to meet her son in the school premises. The new proposal given by the counsel for the petitioner needs fresh consideration, therefore, only for this reason this petition is disposed off at motion stage and the learned trial Court is directed to reconsider on the prayer made by the petitioner.
5. Accordingly the petition is disposed off. The order dated 04.11.2019 is set-aside and the trial Court is directed to reconsider on the application of the petitioner on the basis of the new proposal given by the petitioner so that the order passed by the Court dated 07.09.2019 can be made effective and meaningful.

Sd/-
(Rajendra Chandra Singh Samant)
Judge