

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet
FA(MAT) No. 22 of 2020

Dr. Manoj Kumar Tiwari **Versus** Smt. Suman Tiwari

31-01-2020	Ms. Pragya Pandey, counsel for the appellant. Heard. This appeal is directed against order dated 20.06.2019 by which the application for custody of minor girl aged 4-5 years moved, filed by the father/ appellant has been rejected. Though learned counsel for the appellant would submit that the father is in a better position to maintain the girl child aged about 5 years and even though the mother is employed and earning, she is not properly taking care of the child, after going through the impugned judgment we find that the appellant has moved application for grant of custody of minor daughter Kumari Jahanvi who is hardly aged 4 to 5 years. The order shows that the respondent/wife is in employment and earning. The appellant has not come out with any specific material that the respondent/mother is not properly attending to the requirements of growing girl child. The appellant has also been granted visitation rights. In view of the above, we do not consider present to be a fit case for admission, particularly taking into consideration that the girl child is hardly aged 5 years and in these circumstances the mother would be in a better position as compared to the father to take care of a growing girl child. A grievance has been raised that despite order passed by the Family Court, respondent/wife is not allowing the appellant to meet his daughter. The order of the Court below clearly reveals that the appellant has
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been granted visitation rights. Respondent/mother is obliged to allow the appellant to visit and meet his daughter as per the direction contained in para 19 of the Family Courts Act. The right of the father to visit and meet the daughter cannot be denied by respondent/mother. If the respondent is not allowing the appellant to meet his daughter as per the order of the Family Court, the appellant is free to file appropriate application before the concerned Family court and the Family Court shall take necessary steps urgently to ensure compliance of its order regarding exercise of its visitation rights by the appellant.

The appellant would be at liberty to file fresh application for grant of custody of the child after two years on such grounds as may be available to him under the law.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge