NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

FA(MAT) No. 43 of 2020

1. Bhism Kumar Sahu, S/o Late Budhram Sahu, Aged About 34 Years, R/o- House No. 432/57, Plot No. Z- 118, Dubey Colony, Near Rapa Factory, Raipur, District (Revenue And Civil)- Raipur, Chhattisgarh. (Defendant)

---- Appellant

Versus

1. Smt. Lekhan Sahu, W/o Shri Bishm Kumar Sahu, Aged About 30 Years, R/o- Village- Gadabhata, Tahsil- Palari, District (Revenue And Civil)- Balodabazar-Bhatapara, Chhattisgarh (Plaintiff)

Respondent

For Appellant : Mr. Vineet Kumar, Advocate
For Respondent : Mr. C. R. Sahu, Advocate

DB : Hon'ble Shri Manindra Mohan Shrivastava, Judge
Hon'ble Smt. Justice Vimla Singh Kapoor, Judge
Order on Board

03.03.2020

1. Heard on admission.

2. This appeal is directed against the order dated 06.01.2020 with regard to the custody of minor children namely, Akshat and Naman only to the extent of visitation rights have been granted to respondent-wife.

3. Learned counsel for the appellant would submit that the court below rejected the application for custody of children filed by the respondent -mother, the visitation right and timings of visiting their children from 12:00 pm to 06: 00 p.m on sundays is highly inconvenient and against the interest of the child, as the study and their daily routine is likely to be adversely affected. He would also submit that one of the children

namely, Askhat is mentally retarded and is suffering from a mental disease 'Autism' and, therefore, grant of visitation right in the manner it has been ordered, would adversely affect the mentally ill child. We have found that the learned court below has granted visitation right only in the alternative Sundays as is reflected from the impugned order. The children are residing with their father at Raipur and the mother in order to exercise her visitation rights is required to travel all the way from Baloda Bazar to Raipur. It is not a case where the respondents' mother residing in the same place.

4. Therefore, the timings fixed by the learned court below for the purpose of exercise of visitation rights with the mother cannot be faulted-with.

5. The appeal has no merits and dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Rahul