

HIGH COURT OF CHHATTISGARH, BILASPUR

First Appeal (M) No. 48 of 2019

1. Narmada Lahre, aged about 35 years, S/o Shri Ranglal,
2. Ku. Roshani, aged about 10 years, D/o Narmada Lahre,
3. Ku. Kiran, aged about 8 years, D/o Narmada Lahre,
4. Ku. Sakshi, aged about 5 years, D/o Narmada Lahre,
5. Ku. Rita, aged about 3 years, D/o Narmada Lahre,

Appellant No.2 to 5 are being minor, through father Narmada Lahre, All by caste Chamar, R/o Village Domnidand, Village Panchayat Painari, Thana and Tahsil Khadgawa, District Koriya (CG)

---- Appellants

Versus

- Smt. Shanti Devi, W/o Shri Narmada Lahre, aged about 32 years, By Caste Chamar, R/o Village Phunaga, Thana and Tahsil Khadgawa, District Koriya Chhattisgarh.

---- Respondent

For the Appellants	:-	Ms. Bharti Kotech on behalf of Mr. Parag Kotecha, Advocate.
For the Respondents	:-	Mr. Tarun Dansena, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor,

Order on Board by Justice Manindra Mohan Shrivastava J.

02.09.2020

Heard.

2. This appeal is directed against judgment and decree dated 15.01.2019 passed by Family Court, Manendragarh, Koriya in Misc. Civil Suit No.09/2018 by which learned Family Court partly allowed respondent's application under Section 10 of Guardian Wards Act granting custody of daughters – Sakshi and Reeta to respondent – mother.

3. In this case, during the course of hearing on the last date it was informed by learned counsel for the respondent that though

there is decree in favour of respondent and an execution thereof the custody of two children was taken but the children themselves are not inclined to reside with respondent-mother and they have left her and have again want to reside with the father.

Today learned counsel for respondent confirms the factual position and submits that the children whose custody was granted to respondent/mother are no longer interested in residing with respondent and they have left her and therefore, in these changed circumstances, the respondent is no longer willing to insist for custody of Sakshi and Reeta.

4. In view of the said submission made by the learned counsel for the respondent and that the respondent in changed circumstances is not insisting for custody of Sakshi and Reeta, her application for custody is dismissed. Impugned judgment and decree is set aside.

Let appellate decree be accordingly drawn.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge

Ajay