

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**FA(MAT) No. 72 of 2020**

- Smt. Dipti Prajapati Wd/o Shri Tapeswar Ram Chakresh, Aged About 36 Years Occupation - Service, Shiksha Karmi - Grade - I, R/o Narayanpur, Kunkuri, District - Jashpur Chhattisgarh

---- Appellant**Versus**

1. Mukteswar Chakresh Aged About 56 Years, Occupation - Agriculture, R/o Village - Akira, Tahsil - Farshabahal, Thana - Tumla, District - Jashpur Chhattisgarh
2. Khema Bai, W/o Mukteswar Chakresh, Aged About 50 Years Occupation - House Wife, R/o Village - Akira, Tahsil - Farshabahal, Thana - Tumla, District - Jashpur Chhattisgarh
3. (Minor) Trinath Chakresh, S/o Tapeswar Ram Chakresh, Aged About 11 Years Represented Through Natural Guardian - Mother Smt. Dipti Prajapati, R/o Village - Akira, Tahsil - Farshabahal, Thana - Tumla, District - Jashpur Chhattisgarh

---- Respondents

For Appellant : Shri Anil S. Pandey, Advocate

D.B.:- Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****06/03/2020**

The appellant / wife has filed this appeal against impugned order dated 12/02/2020 in the matter of rejection of application for exercise of visitation rights.

2. Learned counsel for the appellant would submit that the minor Trinath Chakresh is the son of the appellant and the appellant being his mother, is entitled to visit the child and merely because at present, the child is not inclined to talk to his mother, the appellant could not be denied visitation rights.

3. We find from the impugned order that on application made by the applicant,

the child was produced by the other party before the Court and the Court ascertained wishes of the child and recorded statement in which, the minor stated that he is not willing to meet his mother.

4. The background appears to be suicide committed by appellant's husband. We also found that the appellant was prosecuted on the allegations of abetment, as there was an allegation that on abetment of the appellant, her husband Tapeswar committed suicide. However, vide judgment and decree dated 23/01/2019, the appellant has been acquitted of the criminal charges.

5. Considering that at present, the minor child has expressed his reluctance to talk to his mother, we are not inclined to interfere with the order passed by the Court below. However, an attempt shall be made by the Court below to arrange meeting of the appellant with her son, Trinath Chakresh after three months and opportunity shall be afforded to the appellant to interact with her son. Depending upon the response of the child, appropriate order with regard to visitation may be passed by the Trial Court.

6. This appeal is accordingly finally disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge