

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 410 of 2020

Dr. Ravibhushan Pandey, S/o. Dinesh Kumar Pandey, aged about 44 years,
R/o. Village Bandha Harijanpara, Police Station and Tehsil Lakhanpur, District
Surguja Chhattisgarh.

---- Petitioner

Versus

Atharva Pandey, S/o. Dr. Ravibhushan Pandey, aged about 11 years,
Through : His Natural Guardian Mother Smt. Dr. Sandhya Pandey, W/o. Dr.
Ravibhushan Pandey, R/o. Pratappur, Naka, Ring Road, Ambikapur, District
Surguja Chhattisgarh.

-----Respondent

For Petitioner

: Mr. Manoj Paranjpe, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/09/2020

1. This petition has been brought being aggrieved by the order dated 07.08.2020 passed in Miscellaneous Civil Suit No.37/2019, by the learned Family Court, Ambikapur dismissing the application filed by the petitioner praying for grant of visiting right.
2. The petitioner had filed an application in the pending matter praying for grant of permission to visit his minor child, who is in custody of Dr. Sandhya Pandey, the mother of the minor child. The respondent represented by Dr. Sandhya Pandey had seriously opposed the application subsequent to which the

impugned order has been passed.

3. It is submitted by the learned counsel for the petitioner that the learned Family Court has not given in consideration on the application according to the contents of the application and the contents of the reply given by the respondent side. The learned Family Court has emphasized on the circumstances, which are present regarding the disposal of the previous application filed by the petitioner. Whereas, the circumstance had changed, because of which, the petitioner was compelled to file second application making the same prayer, therefore, the application filed by the petitioner should have been considered on merits and not on the basis of the outcome of the previous application decided by the same Court. The petitioner had very clearly mentioned in his application the reason why he sought the order of the Court for grant of visiting right. It is prayed that relief be granted in favour of the petitioner.
4. Considered on the submission. Specific circumstances on the basis of which, the petitioner had filed an application had been contested by the respondent in the reply given to the application. There had been the reason specified why the application has been filed by the petitioner before the Court for grant of visiting right, therefore, it was a particular issue which needed to be dealt with while deciding the application and the Court has not dealt with the same in the impugned order. Therefore, this petition is disposed off at motion stage. The impugned order is

set-aside. The application of the petitioner for grant of visiting right with his minor child is restored and the learned Family Court is directed to give opportunity to both the parties and after hearing the parties decide the application afresh in the light of the observations that have been made in this order.

5. The direction given in this order be complied with by the learned Family Court preferably within a period of two months from the date of passing of this order.
6. Accordingly, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge