

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****FA(MAT) No. 3 of 2021**

- Preeti Tiwari W/o Somendra Pande And Daughter Of Ramgopal Tiwari Aged About 34 Years Present Residing At Ramkumar Named Satwik Pande Painter Gali, Old Bus Stand, P.S. City Kotwali, Tehsil And District Bilaspur Chhattisgarh.

---- Appellant**Versus**

- Somendra Pande S/o Late Sunil Kumar Pande Aged About 37 Years At Present Residing At Qr. No. T - 96, Adarsh ITI Colony, P.O. And P.S. Koni, Tehsil And District Bilaspur, Chhattisgarh.

---- Respondent

For Appellant :- Mr. Dilip Kumar Swain, Advocate
For Respondent :- Mr. Krishna Tandon, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Smt Justice Rajani Dubey

Order On Board**By****Prashant Kumar Mishra, J.****16/03/2021**

1. In this appeal under Section 19 (1) of the Family Courts Act, 1984 read with Section 47 of the Guardians and Wards Act, 1890 (for brevity 'the Act, 1890'), the appellant - wife would

call in question the legality and validity of order dated 25.11.2020 passed by the Family Court, Bilaspur in Civil Suit No.509-A/2019, dismissing the application filed by the respondent husband for custody of his son but at the same time allowing him visitation rights for 2-3 hours on first and last Saturday of every month. It is the later part of the order concerning visitation rights, which is under challenge in this appeal.

2. Learned counsel for the appellant submits that the respondent is not taking up his duties and responsibilities by providing financial assistance for bringing up the child by making fixed deposits in the name of the son, therefore, he is not entitled to have visitation rights. It is also argued that respondent is a habitual drunkard and moves with the anti-social elements, therefore, for this reason also he is not entitled to have visitation rights.
3. Having heard learned counsel for the parties, the grounds raised for denying the visitation rights to the respondent husband does not appears to be convincing. Admittedly, the respondent is the father of minor son Satwik Pande, therefore, he being natural guardian under Section 4 (3) of the Act, 1890, he is at least entitled to have visitation rights. The argument that the respondent is not providing financial assistance to his minor son would not deprive him to visit

and meet his son. Moreover, the son also needs fatherly affection and love of his father which may be achieved during visitation rights and the same will have positive emotional effect on the son.

4. In view of the above, in our considered opinion, there is no illegality and infirmity in the order passed by the Family Court by allowing visitation rights in favour of the respondent.
5. As a sequel, the appeal being bereft of merit is liable to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Rajani Dubey)
Judge

Ayushi