

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 190 of 2021

- Dr. Ravibhushan Pandey S/o Dinesh Kumar Pandey, Aged About 44 Years, R/o Village Bandha Harijanpara, Police Station and Tahsil Lakhanpur, District Surguja Chhattisgarh.Applicant, District : Surguja (Ambikapur), Chhattisgarh

**---- Petitioner
Applicant**

Versus

1. 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. District : Surguja (Ambikapur), Chhattisgarh
2. Dr. Sandhya Pandey, W/o. Dr. Ravibhushan Pandey, Aged About 40 Years, R/o Pratappur, Naka, Ring Road, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

**---- Respondents/
Non-applicant**

For Petitioner – Shri Anurag Singh, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-10-2021

1. It is submitted by learned counsel for the petitioner that the petitioner is husband of respondent No.2 and father of respondent No.1 who is a minor child. In the earlier petition, WP227 No.410/2020 this Court has passed order dated 14-09-2020 directing the family Court to decide the application for grant of visitation right of the petitioner afresh. The family Court has by order dated 20-10-2020 allowed the application directing that the petitioner is granted permission to visit his minor son once in a week.

2. It is submitted that the learned family Court has not appreciated this fact that relation of the petitioner with respondent No.2 is highly tense, therefore, it is not possible for the petitioner to visit his son at the residence of respondent No.2, therefore, the petitioner should be granted liberty to visit his child, i.e., respondent No.1 separately in some congenial atmosphere, apart from the

house where respondent No.1 is residing. Hence, it is prayed that appropriate orders be passed.

3. Notice issued to respondent No.2 has returned served, but she has not given appearance neither she is represented.

4. Considered on the submissions and perused the documents filed along with the petition.

5. The petitioner is natural father of respondent No.1, therefore, he has legal right to visit his child, i.e., respondent No.1. There is visitation right granted to the petitioner by the impugned order of the family Court, that needs some modification in view of the prayer made in the present petition. Hence, the petition is disposed off at motion stage. It is ordered that the petitioner is granted permission to visit respondent No.1 on every Sunday and respondent No.2 is directed to give liberty to the petitioner to take respondent No.1 for outing for a period of two hours only. The petitioner shall be obliged to bring back respondent No.1 within the time allowed to the place of respondent No.2 where he is currently residing. It is ordered that these directions are required to be strictly followed by the petitioner and respondent No.2 both. With these observations the petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge