

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.614 of 2021

- Devendra Mahishwar S/o Vishnu Kumar Mahishwar, Aged About 34 Years Parmanent Resident Of Balod, Distirct Balod District Balod Present Address A.No. 230/b/1, Balco Nagar Korba P.S. And District Korba Chhattisgarh

---- Petitioner

Versus

1. Smt. Chetna W/o Devendra Kumar Mahishwar, Aged About 30 Years D/o Shri Basnt Kumar Dcharge, Resident Of Mig /2/2216 Mp Housing Board Coloney Bhilai, P.S. Jamul District Durg Chhattisgarh

---- Respondent

For Petitioner

– Mr. Love Kumar Ramteke, Advocate.

S.B.- Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-11-2021

1. Heard on this petition.
2. This petition has been brought being aggrieved by the order dated 25.09.2021 passed by the learned Family Court in Civil Suit No.23A/2020 pending before that Court.
3. The respondent filed an application praying for grant of visitation right with her child, who is in custody with the petitioner. The learned trial Court has, by the impugned order, partly allowed the application and directed the respondent to make a proposition of the dates and place where it would be proper for her to meet the minor child.

4. It is submitted by the learned counsel for the petitioner that the impugned order passed, is without any authority of law. The respondent is required to file proper application under the provisions of Guardians and Wards Act, 1890 either for seeking custody or to pray for visitation right, but the same has not been considered by the learned Family Court. Therefore, the impugned order suffers from grave infirmity, which is unsustainable.
5. Considered on the submissions. The petitioner is granted liberty to raise the legal objection before the learned Family Court itself and if any such objection is raised or a written application is filed by the petitioner side then the learned Court shall be obliged to consider on the same and pass appropriate order at the earliest.
6. With these observations, this petition is disposed of.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge