

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**FA(MAT) No. 57 of 2021**

Vikas Keshri @ Chandan, S/o Late Shri Sarju Prasad Keshri Aged About 35 Years R/o Mo. Thanganpara Police Station And Tahsil - Ambikapur, District - Surguja Chhattisgarh

---- Appellant/Applicant**Versus**

1. Vanshraj Keshri, S/o Shri Vikas Kesri Aged About 10 Years
2. Rajvir Keshri, S/o Shri Vikas Keshri Aged About 7 Years

Both Minor Through The Natural Guardian Mother Nisha Keshri W/o Vikas Keshri D/o Shri Siddhnath Keshri Aged About 32 Years, R/o Mo. Joda Mandir, Garhwa, Police Station And Tahsil - Garhwa District - Garhwa (Jharkhand)

Presently R/o Next To Sunita Sonography (Rented House Of Vikrant Keshri) Darripara, Police Station And Tahsil - Ambikapur, District - Surguja Chhattisgarh

----Respondents/Non-Applicants

For Appellant : Ms. Soniya Kuldeep, Advocate

Hon'ble Mr. Justice P. Sam Koshy**Hon'ble Mr. Justice Rajani Dubey****Judgment on Board by Hon'ble Mr. Justice P. Sam Koshy****10/11/2021**

1. Aggrieved by the order Annexure A/1 dated 18.08.2021, passed by the Family Court, Ambikapur in Civil Suit No.116-A/2021 the present appeal has been filed under Section 19(1) of the Family Court Act.
2. Vide the impugned order, the Court below has granted an interim relief in favour of the appellant so far as grant of visiting rights to the appellant/ plaintiff to visit his two minor children, who are presently staying with the wife of the appellant (mother of the two children).

3. Counsel for the appellant aggrieved of the order submits that the applicant had moved an application seeking for custody of the children along with an application for temporary custody till the suit is finally decided. However, the Court below has not properly appreciated the facts and grounds raised by the appellant and have only partly allowed the application, in as much as granting visiting rights to the appellant/applicant permitting the applicant to visit the children on every weekend at the house, where the children are put up along with their mother.
4. Taking into consideration the entire contents of the order passed by the Court below and also considering the pleadings of the present appeal and the contention of the learned counsel for the appellant, we are of the considered opinion that the Court below has fairly considered the request of the applicant and have passed the impugned order of granting visiting rights to the appellant/applicant permitting the applicant to visit the children on every Sunday till the suit is finally decided and have called for the reply of the respondent, so as to decide the matter itself on merits finally.
5. Given the facts that the Court below has fairly considered the contentions and has passed the impugned order, we do not find any strong case made out calling for an interference with the impugned order Annexure A/1. The appeal accordingly stands rejected.
6. Meanwhile, the appellant is directed to participate in the proceedings in the Court below and get the matter adjudicated at the earliest.

Sd/-
(P. Sam Koshy)
Judge

Sd/-
(Rajani Dubey)
Judge