



CGHC010263802025 2026:CGHC:46613-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

FA(MAT) No. 224 of 2025

Vaibhav Kalele S/o Shri Yashwant Kalele Aged About 41 Years R/o Krishna Nagar, Near Bamleshwari Mandir, Daganiya, Raipur, Tehsil And District Raipur, Chhattisgarh.

... Appellant

versus

1 - Minor Manan Kalele S/o Shri Vaibhav Kalele Aged About 11 Years Through Natural Guardian Mother Smt. Prachi Kalele, R/o B-406, Jainam Heights, Lalpur, Raipur, Tehsil And District Raipur, Chhattisgarh.

2 - Smt. Prachi Kalele W/o Shri Vaibhav Kalele Aged About 37 Years R/o B-406, Jainam Heights, Lalpur, Raipur, Tehsil And District Raipur, Chhattisgarh.

... Respondents

For Appellant	**:**	Mr. Shobhit Mishra, Advocate assisted by Mr. Suraj Patel, Advocate Mr. Vaibhav Kalele (appellant-in-person), appeared virtually
For Respondents	**:**	Ms. Purnima Singh, Advocate Mrs. Prachi Kalele (respondent no.2-in-person), appeared virtually

DB: Hon'ble Shri Justice Parth Prateem Sahu &
Hon'ble Smt. Justice Sushma Sawant
Judgment on Board

03.11.2026

1. By way of this first appeal filed under Section 19(1) of the Family Courts Act, appellant is challenging the judgment and decree dated 16.05.2025 passed by Second Additional Principal Judge, Family Court, Raipur, District- Raipur (C.G.) in CMC case No. 165 of 2023, whereby the appellant has filed an application under Section 07 Read with Section 25 of the Guardianship and Wards Act, 1980 which was rejected (Annexure A-1).

2. The case is taken up for hearing in the first round and after arguing for sometime learned counsel for the appellant submits that as of now the respondent no. 1 has attained the age of 14 years therefore, according to the instructions, appellant is not intending to press this appeal on merits, however, appellant's prayer is for granting visitation rights to the appellant to meet his minor son/respondent no. 1.

3. Learned counsel for the respondents submits that respondents are not having any objection if appellant comes to the house of the respondents to meet with respondent no. 1/minor child.

4. At this stage, learned counsel for the appellant submits that his instructions is to submit that the grand parents of the respondent no. 1 also want to meet their grand son/respondent no. 1 and therefore, if this Court passes an order permitting the appellant to meet his child at

any neutral place i.e. public place such as mall, restaurant, garden etc, where all the persons like father as also the grand parents could meet respondent no. 1 at a time.

5. Considering the submission made by learned counsel for the respective parties, we directed the appellant as also the respondent no. 1 to appear before this Court virtually and accordingly, they both appeared before this Court virtually.

6. Respondent no. 2 would submit that as the respondent no. 1/minor child has not met the appellant for a long period of time, therefore, appellant may be directed to meet respondent no. 1 in her residential place itself. She also pointed out that one more application is filed by appellant for taking the custody of second child which is pending before the concerned Court wherein there was an interim order in favor of the appellant to meet the said child in residential place of respondent no. 2 and therefore, the appellant can meet both the children at a time in one place.

7. Appellant-in-person submits that looking to the nature of dispute developed between him and respondent no. 2 and further that in the house of respondent no. 2 other family members are also residing therefore, he will not get sufficient space and good atmosphere to meet respondent no. 1 in the house freely. He also submits that in the house of respondent no. 2 grand parents of respondent no. 1 may not feel comfortable to visit and therefore, it will be appropriate if this Court permit the appellant to meet respondent no. 1 in any public place.

8. Respondent no. 2 would submits that in the present facts of the case, unless and until appellant interacts with respondent no. 1 for few

occasions, respondent no. 1 may not be comfortable to meet with the appellant alone outside the house.

9. We have heard learned counsel for the respective parties as also the appellant and respondent no. 2/minor child.

10. From deliberation it has not come that respondent no. 2 is having any serious grievance in meeting respondent no. 1 with appellant outside the house in any public place but for the reason that appellant has not met respondent no. 1 for a sufficient long period of time, respondent no. 1 will not be comfortable in meeting him.

11. Considering the facts and circumstances of the case and further keeping in mind that the child needs love and care of both i.e. father and mother, meeting of appellant with respondent no. 1 may be helpful in better up bringing and personality development of respondent no. 1. Under the Hindu Minority and Guaredianship Act, 1956 it is the interest and welfare of the child to be the paramount consideration and not the convenience of the parents.

12. In the above facts of the case, as also keeping in mind the interest and welfare of the child, respondent no. 1 is residing with her mother and appellant wants the visitation rights only to meet his child respondent no. 1. According to the opinion of this Court meeting of appellant with respondent no. 1 in any public place would be appropriate and therefore, this appeal is disposed of with permission to appellant to meet respondent no. 1 on every first Sunday of the month in any public place like restaurant, garden, mall etc, or any other place as agreed between the parties between 12 pm to 4 pm. The time schedule and

frequency of visitation will be extendable, subject to the agreement between the parties.

13. Considering the apprehension shown by respondent no. 2 being mother, in sudden meeting of respondent no. 1 with his father – appellant, respondent no. 1 may not feel comfortable, respondent no. 2 is directed to take the respondent no. 1 along with her at the agreed place of meeting. The place of meeting of the parties shall be pre-decided telephonically. It is also directed that the grand parents can also accompany the appellant at the time of meeting respondent no. 1.

14. It is made clear that both appellant and respondent no. 2 shall maintain peace and harmony during the meeting period. They shall make all efforts to keep the atmosphere pleasant during that period.

15. Accordingly, the present first appeal stands disposed of in above terms.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Sd/-
(Sushma Sawant)
Judge

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