

HIGH COURT OF CHHATTISGARH, BILASPUR**FA(MAT) No. 115 of 2024**

1. Lekhram Sahu S/o Miukhiram Sahu Aged About 52 Years R/o Kodwa Gobarra, Chowki Ataria, Police Station Kunda, Tehsil Pandariya, District- Kabirdham, Chhattisgarh.
2. Rukmani Bai W/o Lekhram Sahu Aged About 51 Years R/o Kodwa Gobarra, Chowki Ataria, Police Station Kunda, Tehsil Pandariya, District- Kabirdham, Chhattisgarh.....(Non-Applicant)

---- Appellants**Versus**

Chintaram Sahu S/o Teerathram Aged About 33 Years R/o Village Madanpur, Post Sonbasra, Police Station Pipariya, Tehsil Kawardha, District- Kabirdham, Chhattisgarh.....(Res. Applicant)

---- Respondent**(Cause-title taken from Case Information System)**

12/04/2024	Heard Mr. Bhaskar Payashi, learned counsel for the appellant. Learned counsel for the appellants submitted that the appellants are maternal grand parents of the two children who are daughter and son of the private respondent and it is further argued that the daughter of the appellants had committed suicide and FIR was registered against the accused/respondent under Section 306 of the IPC, in which he has been acquitted and the appellants have filed an acquittal appeal before this Court which is still pending consideration. It is further stated that the two children who are aged about 10 and 8 years were living with the appellants for around 5

years and the learned trial Court has directed to hand over the said two children to the respondent, who is natural guardian and it is further stated that one of his son is already with him. It is also submitted that considering the welfare of children, they may not be handed over to the accused/respondent.

Considering the aforesaid facts and circumstances of the case, the impugned order dated 19.03.2024 passed by the Family Court, Kabirdham in Civil Suit No. 70A/2022 so far as it relates to handing over the two children is concerned, the same shall be kept in abeyance whereas the visiting right shall continue.

Default pointed out by the Registry is waived out.

Admit.

Let notice be issued to the respondent, returnable within four weeks, on payment of PF as per rules.

List the matter thereafter.

Sd/-
(Rajani Dubey)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice