



2026:CGHC:23519-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****F.A(MAT) No.193 of 2026**

Amit Kumar Tiwari, S/o- Shri Ramavatar Tiwari, Aged About 47 Years, Occupation Business Professional, R/o- Flat No.C-16, First Floor, Tower-C, Rama Sky Life, Phase-I, Raipur Road, Bilaspur, Chhattisgarh-495001. **... Appellant**

versus

Smt. Sonam Tiwari, W/o- Shri Amit Kumar Tiwari, Aged About 43 Years Occupation MBA, R/o- House No.113, Gali No.02, Rajendra Nagar Chowk, Bilaspur, Chhattisgarh-495001. **... Respondent**

(Cause-title taken from Case Information System)

 For Appellant: Dr NK Shukla, Senior Advocate along with Mrs. Surya Kawalkar Dangi, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Bibhu Datta Guru, Judge

Judgment on Board**Per Ramesh Sinha, Chief Justice**



02.06.2026

1. Heard Dr NK Shukla, learned Senior Advocate appearing along with Mrs. Surya Kawalkar Dangi, learned Advocate for the Appellant.

2. This Appeal under Section 19 of the Family Courts Act, 1984 has been preferred by the Appellant-husband calling in question the legality, validity and propriety of the order dated 14.05.2026 passed by the learned Principal Judge, Family Court, Bilaspur in Guardians and Wards Act Case No. 8/2026 (Amit Kumar Tiwari v. Sonam Tiwari), whereby the Appellant's application seeking interim custody of the minor child has been rejected and limited interaction with the child through weekly video calls has been permitted.

3. This Appellant herein has made the following prayer:-

“i. allow the present appeal and set aside the order dated 14.05.2026 passed by the learned Principal Judge, Family Court, Bilaspur in Guardians and Wards Act Case No. 8/2026 and to kindly grant the interim custody of the minor child Sanaaya Tiwari to the appellant/ father;

ii. In alternative, to grant visitation rights to the father twice a week for three hours and to grant daily contact rights for 45 minutes through video calling.

iii. grant the appellant visitation with the minor child on both days of every weekend, namely Saturday and Sunday together, by permitting the minor child to come to, to stay at and to play at the appellant's residence at Bilaspur, which the



child affectionately calls her "new house", so that the child may spend at least two days of the weekend at her said new house, where all her toys, books and clothes are kept and where she is happy and comfortable, the same being conducive to her happiness, emotional well-being and overall growth and development;

iv. direct the respondent not to obstruct, tutor, record, interfere with or create emotional pressure upon the child during video calls or physical visitation;

v. direct the Registry of the learned Family Court, Bilaspur to forthwith preserve, and thereafter to furnish to the appellant a certified copy (with the certificate under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 / Section 65-B of the Indian Evidence Act, 1872) of, the CCTV footage of the Family Court premises (court hall, corridor and child-counselling / Kilkari Room) for 14.05.2026 between 3:00 p.m. and 4:30 p.m.;

vi. direct that the respondent shall not block, delete, conceal or restrict the appellant's contact number or any means of digital contact on the device(s) used by the minor child, and shall ensure that the minor child is able to receive and make calls to the appellant without impediment;

vii. permit the appellant to send gifts, toys, books and study material to the minor child, and direct that the same shall not be withheld from the child;

viii. permit and direct that the appellant be allowed to provide for, arrange and bear the cost of the minor child's special education, schooling, therapy and developmental requirements;

ix. pass any other order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."



4. Brief facts of the case are that the Appellant and the Respondent are husband and wife and out of their wedlock a daughter was born on 01.05.2015, who is stated to be a special-needs child suffering from Autism Spectrum Disorder and allied developmental conditions. The minor child is presently residing with the Respondent-mother. The Appellant has instituted proceedings under the Guardians and Wards Act before the learned Family Court seeking custody of the minor child and during pendency of the said proceedings, also filed an application for grant of interim custody/visitation rights. By the impugned order dated 14.05.2026, the learned Principal Judge, Family Court, Bilaspur has rejected the Appellant's prayer for interim custody/physical visitation at that stage and directed that the Appellant be permitted to interact with the minor child through video call once every week. Aggrieved by the said order, the Appellant has preferred the present Appeal.

5. Learned Senior Advocate appearing for the Appellant submits that the Family Court has failed to appreciate that the paramount consideration in matters relating to custody and visitation is the welfare of the minor child. It is contended that the minor daughter is a special-needs child suffering from Autism Spectrum Disorder and allied developmental conditions and therefore, requires continuous emotional support, stability and meaningful interaction



with both parents. According to the Appellant, despite noticing the special condition of the child and her comfort and bonding with the Appellant during the interaction held in the Family Court premises, the learned Family Court erred in declining physical visitation and restricting the Appellant's access to a weekly video call. It is argued that a limited video-call interaction cannot be treated as a substitute for physical visitation and in the absence of any finding that the Appellant is unfit or that interaction with him would be detrimental to the welfare of the child, denial of regular visitation is unjustified. Learned Senior Advocate further submits that the Appellant has throughout been involved in the upbringing and welfare of the child, has made adequate arrangements for her care and is presently residing at Bilaspur so as to remain available for the child. He lastly submits that a child is entitled to the love, affection and company of both parents and that meaningful visitation rights ought not to be denied except for compelling reasons recorded by the Court and prays to allow the Appeal.

6. We have heard learned counsel for the Appellant and perused the record.

7. The issue relating to custody of the minor child is presently pending consideration before the learned Family Court. The impugned order demonstrates that while declining the prayer for interim custody/physical visitation, the learned Family Court has



taken into consideration the age, medical condition and special needs of the child and has, as an interim measure, permitted interaction between the Appellant and the child through weekly video calls. At this interlocutory stage, the rival contentions of the parties and other disputed questions of fact are yet to be adjudicated on the basis of evidence and therefore, do not warrant any conclusive determination by this Court.

8. Having heard learned Senior Advocate appearing for the Appellant and having regard to the facts and circumstances of the case, we do not find any perversity, illegality or jurisdictional error in the exercise of discretion by the learned Family Court so as to warrant any interference in appellate jurisdiction.

9. Consequently, the Appeal being devoid of merit is liable to be and is hereby **dismissed**. The pending applications, if any, also stand disposed of.

Sd/-

(Bibhu Datta Guru)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice