



HIGH COURT OF CHHATTISGARH AT BILASPUR

FA(MAT) No. 351 of 2025

SMT. VIBHA SHARMA *versus* ABHINAV SHARMA

Order Sheet

16.04.2026	Mr. Gaurav Singhal, counsel for the appellant. Mr. Sabyasachi Bhaduri, counsel for the respondents. The appellant/wife is present along with her counsel. The record of the case would show that the respondent moved an application before this Court i.e. I.A. No. 03/2026 on 06.01.2026 seeking handing over of minor male child born with their wedlock for treatment as the minor child is suffering from virtual autism with higher activity by mentioning his difficulty and inability to look after him for the reasons mentioned in the application as well as in the larger and paramount interest of the minor child. The said application was disposed of by this Court vide order dated 07.01.2026 directing the appellant to furnish an affidavit within 7 days stating that she will return the child's

custody to respondent No. 1 after 30 days from the date of taking custody of master child.

The said order was not complied with by the respondent, therefore, I.A. No. 04/2026 was filed by the appellant for compliance of order passed by this Court on 07.01.2026.

This Court vide order dated 19.01.2026 has disposed of the interim application by observing the submissions of the appellant that on account of behavior of the respondent No. 2, custody of the child could not be handed over by the respondent father to the appellant, accordingly this Court has granted liberty to the appellant to approach the Child Welfare Committee, Raipur for seeking assistance in this regard.

The Child Welfare Committee, Raipur in persuasion of direction given by this Court, has visited to the house of respondent and submitted its report dated 16.03.2026 that the respondent is threatening the member of the Committee and not allow the child to move from the house causing hindrance in picking the child. Thereafter, the appellant has preferred another application i.e. I.A. No. 05/2026 contending that the medical treatment and therapy of minor child is urgently required and any delay even for few days,

cause serious deterioration in the health and psychological condition of the child, therefore, it has been prayed for immediate handing over of custody of child to the appellant.

Counsel appearing for respondent vehemently objected the submission and would submit that the child is providing treatment at All India Institute of Medical Science Raipur which is of a high reputation institution, therefore, for further treatment is not at all necessary and would pray for rejection of the application. It has also been contended that the appellant intend to examine the respondent No. 2 at **NeuroGen Brain and Spine Institute, Mumbai** and as per the news article, the Navi Mumbai Municipal Corporation has de-register the said institution for violating Indian Council of Medical Research guideline providing steam cell therapy treatment to patient of autism and cerebral palsy, thus, there will be no justifiable reason for allowing the custody of the child to the mother to carry her to Mumbai for treatment.

This was vehemently objected by the appellant contending that she intend to take the child for examination only and after examination, any line of treatment can be finalized by the doctors who are expert of the subjects. Thus, at this juncture submissions have no basis and would

pray for allowing the interim application filed by the appellant for compliance of the order dated 07.01.2026.

We have heard learned counsel for the appellant and the respondents.

Considering the fact that the father and mother both are considering the welfare of the child and if the appellant intend to further examine the child in a hospital which is specialized hospital in the field of illness relating to Neuro problem, if the appellant and respondent both are directed to go to Mumbai along with the child for examination of their child, that will be in the interest of the child which is not only paramount consideration of the appellant and respondent as well as for this Court also. Therefore, it is directed that the appellant and respondent will visit Mumbai or any other hospitals which is specialized in issue relates to Neuro problem and when the child accompanied with them neither the appellant nor the respondent husband will create awkward situation which may create problem in the mind of child who is sensitive in nature and it is also directed that the appellant and respondent will treat the child softly in a compensate manner.

The appellant and the respondent are also directed to

submit the report on the next date of hearing.

Accordingly, I.A. No. 05/2026 is disposed of.

List this matter on **17th June, 2026**.

**Sd/-
(Sanjay S. Agrawal)
Judge**

**Sd/-
(Narendra Kumar Vyas)
Judge**

Bhumika