



2026:CGHC:3452



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1231 of 2025

1 - Rajesh Kumar Sinha S/o Late Mohan Lal, Aged About 50 Years R/o Village Kundel, Tahsil Rajim District Gariyaband Chhattisgarh.

2 - Smt. Rameshwari @ Santoshi, Aged About 45 Years R/o Village Kundel, Tahsil Rajim District Gariyaband Chhattisgarh (Wrongly Mentioned Age Of Petitioner No. 2 And Address Of Petitioners As Village Kundel, Tahsil Dhamtari District Dhamtari Chhattisgarh In Annexure P-1)

... Petitioner(s)

versus

1 - Dharmendra Kumar Gajendra S/o Shri Ramkumar Gajendra, Aged About 30 Years R/o A-6, Panchvati Colony, Dhamtari District Dhamtari (C.G.)

... Respondent(s)

For Petitioner(s) : Shri Ankush Soni, Advocate

For Respondent(s) : Shri Shobhit Koshta, Advocate

({Hon'ble Shri Justice Sachin Singh Rajput})

Order on Board

20/01/2026

Challenge in this petition is to an order dated 22/03/2025 passed by the 1st Civil Judge, Senior Class Gariyaband, CG in Misc. Civil Suit No.03/2024 (for short 'Civil Judge') by which an application filed by the respondent for grant of visiting rights to meet his son was allowed and the learned Civil Judge ordered that on each and every date, the minor son of the petitioner be brought by the



respondents in the Court.

2. Learned counsel for the petitioner submits that the petitioners are the maternal grand parents of the minor son of the respondent. The daughter of the petitioners was married with the respondent and unfortunately, she is no more and the minor son born out of the said wedlock is presently residing with the petitioners. He submits that the respondent has filed an application under Section 25 of the Guardian and Wards Act, 1890 (for short 'Act of 1890') for custody of the minor son and interim application was also filed for grant of visiting rights which was allowed by the impugned order. He submits that the Civil Court is about 80 kms away from the residence of the petitioners and it is not possible for them to bring the child on each and every date before the Civil Court and infact, he submits that the respondent can meet his son at the residence of the petitioners. Thus, he submits that the impugned order may be set aside/modified.

3. Opposing the above submission learned counsel for the respondent submits that the respondent is the father who has all the right to visit and meet the son and after the death of wife of the respondent, relationship between the petitioners and the respondent is not cordial. Therefore, it would not be feasible for the respondent to go and meet his son at the residence of the petitioners. Taking into consideration all aspects of the matter, the impugned order was passed by the learned Civil Judge which does not require any interference.

4. Heard learned counsel for the parties and perused the record.

5. There is no dispute that the respondent had filed an application for custody of the child which is pending consideration before the learned Civil Judge. It appears that an application for grant of visiting rights was filed to seek modification of the impugned order. The impugned order clearly indicates that the respondent is the father of the minor child and the petitioners had also given consent that he can meet his son. Thus, looking into this aspect, the impugned order was passed. In the opinion of this Court, the impugned order is well merited and cannot be said to be perverse. The learned Civil Judge does not appear to have committed any jurisdictional error. Thus, this writ petition is liable to be and is hereby dismissed. However, liberty is reserved in favour of the petitioner to seek modification of the impugned order if such an exigency arises.



6. With above liberty, this petition is dismissed. All pending applications are also dismissed.

Sd/-

(Sachin Singh Rajput)

JUDGE

Deepti