

(2018) 08 CHH CK 0232

Chhattisgarh High Court

Case No: Writ Petition (227) No. 677 Of 2018

Ritesh Patkar @Nobel Patkar

APPELLANT

Vs

Gayatri Namdev And Ors

RESPONDENT

Date of Decision: Aug. 21, 2018

Acts Referred:

- Guardian And Wards Act, 1890 - Section 47(C)

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: Hemant Gupta

Final Decision: Dismissed

Judgement

Sanjay K. Agrawal, J

1. Learned counsel appearing for the petitioner would submit that application filed by the petitioner under the provisions of the Guardian and Wards

Act, 1890 (for brevity, 'Act of 1890') for having custody of his daughter has been rejected by the Family Court, Raipur by order dated 18.04.2018

(Annexure - P/1) against which this writ petition has been preferred.

2. I have heard learned counsel for the petitioner.

3. Since, the application filed by the petitioner under the provisions of Act of 1890 for having custody of his daughter is appealable under Section 47(C)

of the Act of 1890, therefore, this writ petition is not maintainable.

4. Accordingly, the writ petition is dismissed as not maintainable. However, the petitioner would be at liberty to prefer an appeal before the Appellate

Authority in accordance with law.

5. Certified copy of the impugned order be returned to the counsel for the petitioner on furnishing attested photocopy thereof. No order as to cost(s).