



Serial No. 54
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRP. No. 5 of 2018
With MC(CRP) No. 5 of 2018
MC(CRP) No. 7 of 2018
MC(CRP) No. 8 of 2018

Date of Order: 14.09.2018

Shri. Ming Thang Sun Vs. Smti. Cordeelia Manbhalin Shadap

Coram:

Hon'ble Mr. Justice S.R. Sen, Judge

Appearance:

For the Petitioner(s)	:	Mrs. T. Yangi. B, Adv.
For the Respondent(s)	:	Mr. S.C. Chakrawarty, Sr. Adv. with Ms. R. Sumer, Adv.

1. Heard learned counsel for the petitioner as well as learned Sr. counsel for the respondent.
2. Both the learned counsels submit that the matter may be referred back again to the Lower Court with a direction to dispose of the matter with a specific time.
3. I have seen the order dated 08.06.2018 passed by Hon'ble the Apex Court to consider the application afresh, but I am of the considered view that since it is a matter involving custody of the child, the matter cannot be decided without taking any evidence. Therefore, I agree with the submissions advanced by Mrs. T. Yangi. B and Mr. S.C. Chakrawarty, learned counsels for the parties.
4. Accordingly, the matter is remand back to the Addl. District Judge, Shillong to decide the custody of the child after taking the evidence and giving equal opportunity to both the parties and to keep in mind where the welfare of the child lies.
5. Let the Addl. District Judge, Shillong dispose of the matter within 4(four) months from the date of receipt of a copy of this order.
6. Interim custody passed earlier by this Court vide order dated 27.04.2018 shall also remain in force till the disposal of the matter by the learned Court below.



7. If the respondent wants to visit the child, she can do so as it is going on at present.
8. Registry is directed to return back the lower court case record along with a copy of this order.
9. With this observation and direction the petition stands disposed of.

(S.R. Sen)
Judge

Meghalaya
14.09.2018
"D. Nary, PS"

