

Mat. Suit No. 84 of 2025

Order No. 12 dated 04.08.2026:

Today is fixed for hearing of several petitions brought by the parties concerned to the present Mat. Suit.

Both parties file haziras through their respective Ld. Advocates.

Today the respondent has filed the written objection supported by an affidavit along with the photocopies of the doctor's prescription praying for rejecting the petition dated 20.07.2026 filed by the petitioner for the issuance of the contempt proceeding against the respondent for the non compliance of the Court's order by the respondent.

All the petitions filed on behalf of the parties concerned are taken up for hearing. Heard the Ld. Advocates for both sides. Considered.

The respondent/mother has brought two petitions dated 17.04.2026 and 05.06.2026 praying for some modifications of the Court's order dated 08.04.2026 allowing the right of visitation with her minor daughter staying under her custody in favour of the petitioner/father.

Having heard the submissions of the Ld. Advocates appearing on behalf of the parties concerned and having consulted with the materials on record, it appears that the respondent is facing some difficulties to produce her minor daughter in the Court room once in every fortnight for the period from 3:00 p.m. to 5:00 p.m. in compliance with the direction of this Court due to her professional obligations and again, the respondent is willing to show her minor daughter to the petitioner through the video call over phone for the reduced period of 10 minutes on once in every month due to the misconduct of the petitioner instead of showing her minor daughter to the petitioner twice in every week through video call over phone in compliance with the direction of the Court and therefore, the respondent has prayed for allowing the right of visitation with her minor daughter in favour of the petitioner to the reduced extent. However, the respondent has failed to show any valid and sufficient reason for the curtailment of right of visitation of the petitioner with her minor child.

Considering the professional difficulties of the respondent, the petitioner is allowed to visit his minor daughter in the Court room of this Court for the period from 4:00 p.m. to 6:00 p.m. once in every fortnight. During the time of hearing, the Ld. Advocates for both sides have made several allegations and counter allegations against each other. In this context, I opine that both the parties are expected to act in a sensible

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manner during the time of visitation and the minor daughter of the parties is not expected to be tutored by any of the parties or their relatives during the time of visitation. In this factual perspective, I find that the physical visitation with the minor daughter of the parties in the presence of their respective Ld. Advocates would reduce the problems faced by the parties.

During the course of hearing, the Ld. Advocate for the petitioner has drawn my attention to the fact that the respondent has refused to accept the gift of some garments sent by the petitioner for his minor daughter through online. In common parlance, the father has every right to show his natural love and affection to his minor daughter and the gift is the manifestation of such natural love and affection of a father to his minor daughter and therefore, the respondent/mother has no right to refuse the gift of garments sent by the petitioner/father for his minor daughter through online.

Further, at the same time, I find that the petition dated 20.07.2026 brought by the petitioner for the issuance of the contempt proceeding against the respondent for the non compliance with the Court's order by the respondent does not have any merit, since the petitioner has failed to establish that the respondent has willfully and deliberately violated the order dated 08.04.2026 passed by this Court and therefore, the petition dated 20.07.2026 brought by the petitioner is liable to be rejected.

Latter on, the petitioner/father has brought another petition praying for directing the respondent/mother to bring their minor daughter for pandal hopping during the days of *Durga Puja*. Let the petition brought by the petitioner/father be kept with the record.

Hence, it is,

Ordered

that the petition dated 17.04.2026 filed by the respondent/mother is hereby allowed in part on contest and accordingly, the petitioner/father is allowed to meet with his minor daughter within this Court room once in every fortnight preferably on 1st and 3rd Saturday for the period from 4:00 p.m. to 6:00 p.m. in the presence of the Ld. Advocates for both sides by giving prior notice or intimation to the respondent/mother.

The petition dated 05.06.2026 failed by the respondent/mother praying for the curtailment of time of the video conference over phone of her minor daughter with the petitioner/father stands rejected on contest as having no merit. At the same time, the petition dated 20.07.2026 brought by the petitioner/father for the issuance of the contempt proceeding against the respondent/mother for the non compliance with the Court's order by the respondent stands rejected on contest as having no merit.

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The Order No. 07 dated 08.04.2026 passed by this Court is hereby modified accordingly only upto that extent.

To 08.10.2026 for hearing of the petition dated 04.08.2026. W/O, if any, by the respondent in the meantime.

D/C.

Additional District Judge
FTC-3, Barrackpore.

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