

In the Court of the District Judge, Birbhum at Suri

Misc. Case – 79 of 2019

CNR No. WBBB01-003076-2019

Present: -Smt. Sudeshna De (Chatterjee) (WB00580)
District Judge, Birbhum.

Order no. 29
dt. 31.08.2023

Today is fixed for hearing of petition dt. 15.11.2022.

Both parties are present.

No written objection filed against the petition dt. 15.11.2022.

At the time of hearing, it has been submitted on behalf of the petitioner that the application dt. 15.11.2022 has been filed for passing appropriate order regarding visitation of the ward as the respondent / OP did not comply the direction of this court passed vide order no. 20 dt. 23.08.2022. It has been further stated that on 23.08.2022 this Court, after hearing both sides, was pleased to pass an order regarding visitation of the minor daughter thereby directing to conduct visitation at the chamber of Ld. Advocate of OP from 02:00 PM to 04:00PM in every alternate Sunday, exclusively but the OP failed to comply the said order on repeated occasions. In the facts and circumstances as stated in the petition dt 15.11.22 , the petitioner prayed for resolving the issue thereby modifying the order dt. 23.08.2022 regarding visitation and also prayed for passing necessary order so that OP be compelled to carry out the direction regarding visitation.

At the time of hearing, Ld. Advocate appearing on behalf of the OP admitted that being father the petitioner has his right to meet with his child. He also admitted that he has been newly engaged by the OP and previous Lawyer Sri Ram Prasad Mondal is not representing the party for which order of visitation has not been complied with. Ld. Advocate also submitted that the mother / OP will comply the direction of the Court and thereby prayed for passing order.

Perused the record.

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It appears that vide order no. 20 dt. 23.08.2022 the prayer of visitation was allowed. It also appears from the submission of both parties that the dispute between the parties started as the previous engaged Advocate of the OP is being retired. Vide order no. 20 dt. 23.08.2022 direction was given for visitation of the child at the chamber of the said Ld. Advocate of the OP at Subhaspally, near Durgamandir, Suri, Birbhum. As this Advocate is not conducting the case of the OP, I am of opinion that one independent place is required for visitation thus the order dated 23.08.22 is required to be modified.

After having interaction with the minor child, it appears that every alternate Saturday is fixed for visitation it will not affect the minor in any way.

Accordingly, the father / petitioner being the natural guardian is permitted to interact with his daughter, exclusively at the convenient time and place of the minor. Considering the fact that the minor is reading in a school for which he has to attend his studies and other extra curricular activities, I am of opinion that proper justice will be served if every alternate Saturday of the month is fixed for visitation. As agreed by both parties, from 02:00 PM to 04:00 PM will be convenient for both of them as well as minor to come at the Bharat Sevashram Sangha, Muluk, Bolpur, Adarshyapally (which is nearer to the place where the minor is now residing with the opposite parties) and visitation accordingly be going on in presence of respectable “*Shanti Maharaj*” of that Sevashram.

Hence, both parties are directed to come at the Bharat Sevashram Sangha, Muluk, Bolpur, Adarshyapally, PO-Muluk via Bolpur at 02:00 PM in every alternate Saturday of each English Calendar month for the purpose of visitation of the father namely Santanu Mukherjee with the minor child will continue up to 04:00 PM.



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31.08.2023

Opposite party / mother namely Sampa Mukherjee of the minor child is also directed to bring the child at about 02:00 PM in every alternate Saturday of the month for the purpose of visitation at the Bharat Sevashram Sangha, Muluk, Bolpur, Adarshyapally, PO-Muluk, Bolpur.

This order of visitation will take effect on and from 02.09.2023 and remain valid until further order. Such visitation will be made in presence of respectable “Shanti Maharaj” of that Sevashram.

Be it mentioned here that this is purely temporary arrangement made on interim basis and can be modified / cancelled in changed circumstances, if applied for.

It also appears from the record that one petition filed by the opposite party / mother on 20.09.2022 for alteration of place of visitation from Suri to Bolpur is pending for hearing since the date of its filing. As the place of visitation has already been changed from Suri to Bolpur, I am of opinion there is no necessity to keep pending the aforesaid petition and accordingly, the said petition is also disposed of along with the petition dt. 15.11.2022.

To 12.12.2023 for hearing of the application under Section 25 of the Act.

Dictated & Corrected

District Judge, Birbhum.

(JO Code- WB00580)

District Judge

Birbhum

District Judge, Birbhum.

(JO Code- WB00580)

District Judge

Birbhum