

IN THE COURT OF THE DISTRICT JUDGE, BIRBHUM AT SURI

**Misc. Case No. 79 of 2019**

[CNR: WBBB01-003076-2019]

Present: Shri Subhrajit Basu (WB01238)  
District Judge, Birbhum

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**Order No. 20**  
**23.08.2022**

The learned advocates for the petitioner/father and the opposite party/mother are present along with their respective clients.

The opposite party/mother is personally present along with her minor child.

Today is fixed for hearing of the application under Section 12 of the Guardians and Wards Act, 1890 (for short "the Act, 1890").

Heard both sides regarding the application under Section 12 of the said Act, 1890.

It is submitted by the learned advocate for the petitioner that his client has not met the child since long and he prays for an order of this Court regarding his visitation rights so that he can meet the child on a regular basis.

On the other hand, learned advocate for the opposite party fairly submitted that her client does not wish to raise any objection regarding the exercise of visitation right by the petitioner.

In this regard, it may be noted that in **Yashita Sahu v. State of Rajasthan, (2020) 3 SCC 67**, the Hon'ble Supreme Court, while observing that the welfare of the child is of paramount consideration in matters relating to custody of children, held as follows:

*"A child, especially a child of tender years requires the love, affection, company, protection of both parents. This is not only the requirement of the child but is his/her basic human right. Just because the parents are at war with each other, does not mean that the child should be denied the care, affection, love or protection of any one of the two parents. A child is not an inanimate object which can be tossed from one parent to the other. Every separation, every re-union may have a traumatic and psychosomatic impact on the child. Therefore, it is to be ensured that the court weighs each and every circumstance very carefully before deciding how and in what matter the custody of the child should be shared between both the parents. Even if the custody is given to one parent the other parent must have sufficient visitation rights to ensure that the child keeps in touch with the other parent and does not lose social, physical and psychological contact with any one of the two parents. It is only in extreme circumstances that one parent should be denied contact with the child. Reasons must be assigned if one parent is to be denied any visitation rights or contact with the child. Courts dealing with the custody matters must while deciding issues of custody clearly define the nature, manner and specifics of the visitation rights."*

This Court is of the view that in the facts of this case and in view of the settled position of law, the prayer of the petitioner for grant of visitation right should be allowed.

Accordingly, on the basis of the submissions made by the learned advocates of the parties, the opposite party/mother is directed to produce the minor child on every alternate Sunday, starting from 28.08.2022, at 02:00 p.m.

at the chamber of learned advocate Sri Ram Prasad Mondal at Suri Subhaspally (near Durgamandir) P.O. & P.S.-Suri, District: Birbhum so as to enable the petitioner/father to meet the child and the petitioner/father will be permitted to interact with the child exclusively from 02:00 p.m. to 4:00 p.m. This order shall take effect immediately and shall continue until further order of this Court.

The learned advocates for the parties shall take necessary steps to facilitate the meetings.

The application under Section 12 of the Act, 1890 is disposed of accordingly.

The learned advocates for the parties are directed to communicate the Order to their respective clients.

Fix **20.09.2022** for hearing.

Inform the learned advocates of both sides.

At my dictation  
**Sd/- Subhrajit Basu**  
District Judge  
Birbhum

**Sd/- Subhrajit Basu**  
District Judge  
Birbhum