

### **Act-VIII Case No.3 of 2017**

Present : Sri Prasenjit Biswas, Chief Judge.

#### **Order No.46 dated 20.05.2022:**

Today is fixed for hearing of the petition filed by the petitioner Balaram Mondal dated- 12.04.2022 with a prayer to pass an order granting him to bring the minor granddaughter, namely, Ritaja Mondal at his premises during ensuing summer vacation which is likely to commence on 21.05.2022 and end on 21.06.2022.

Ld. Advocates for both sides file their respective haziras on behalf of their clients.

Now, the petition filed by the petitioner Balaram Mondal dated 12.04.2022 with a prayer to pass an order granting him to bring the minor granddaughter, namely, Ritaja Mondal at his premises, is taken up for hearing.

Perused the petition dated 12.04.2022 filed by the petitioner, written objection filed by the opposite party and the copy of orders dated 13.09.2019 and 25.09.2019 passed by the Hon'ble High Court at Calcutta in C.O. 2983 of 2019.

It appears that Balaram Mondal/applicant who is the paternal grandfather of the minor child namely, Ritaja Mondal stating *inter alia* that this applicant has filed this petition with a prayer for passing direction upon the O.P. Subrata Dey alias Subrata Kumar Dey, maternal grandfather of the minor child/ward to give custody of the minor during the ensuing summer vacation commencing on 21.05.2022 and ends on 21.06.2022. So, this applicant has filed this petition for passing necessary order.

In this regard Ld. Advocate for the petitioner submitted *inter alia* drawing my attention to the order dated 13.09.2019 passed by the Hon'ble High Court at Calcutta in C.O. No.2983 of 2019.

On the other hand, Ld. Advocate for the opposite party has made strong objection in allowing this petition filed by the petitioner and prays for rejection of the petition.

I have carefully heard the submission advanced by both the Ld. Advocates of the parties.

Perused the order passed by the Hon'ble High Court at Calcutta in C.O. No.2983 of 2019 and the materials available on record.

It appears that this case has been filed by Balaram Mondal filed under Section 7 and 25 of the Guardians and Wards Act, 1890 and an application was also filed by him for visitation on 14.02.2019 and the said petition was disposed of by this Court vide order no.9 dated 20.02.2019.

Subsequently, this petitioner filed another application on 01.04.2019 and the said petition was rejected by this Court vide order no.19 dated

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Thereafter, this applicant filed C.O. being no.2983 of 2019 before the Hon'ble High Court at Calcutta and the said C.O. was disposed of by the Hon'ble High Court at Calcutta on 13.09.2019. It appears that Hon'ble High Court, Calcutta disposed of the said C.O. No.2983 of 2019 with observation *interalia* that -

*"However, this observation shall not come in the way of the petitioner renewing the petitioner's prayer at a later stage of the suit when the child grows up a bit more, to renew his prayer for limited custody of the child during festive occasions or otherwise."*

So, it appears to me that Hon'ble High Court at Calcutta had given liberty to this petitioner to make prayer for limited custody of the minor child/ward during festive occasion or otherwise. Now, this petitioner has filed this petition dated 12.04.2022 praying for custody of the minor child/ward, namely, Ritaja Mondal during her summer vacation which will be commenced on and from 21.05.2022 and ended on 21.06.2022.

It appears that the present age of the minor child/ward is about 7 years who is a student of Class-III and she has been residing at his maternal grandfather's house and attends her school from there and the said minor child is accustomed with the atmosphere of the house of her maternal grandfather. If the child is given in the limited custody for the period on and from 21.05.2022 to 21.06.2022 during summer vacation then education of the minor child will be hampered and she will be put in an unknown atmosphere at the house of her paternal grandfather.

Moreover, this petitioner has given right of visitation of the child / ward in every Saturday and Sunday vide Order no.9 dated 20.02.2019 passed by this Court.

So, I find that sufficient opportunity has been given to the petitioner to meet his grand child in every Saturday and Sunday which is sufficient for his mental satisfaction.

In view of the above facts and circumstances I do not find any reason to allow this petition.

Accordingly, the petition filed by the petitioner dated 12.04.2022 praying for passing an order granting him to bring the minor grand daughter, namely, Ritaja Mondal at his premises during ensuing summer holidays commencing from 21.05.2022 to 21.06.2022 is liable to be rejected.

C.F paid is found correct.

Hence, it is,

**Ordered**

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that the petition filed on 12.04.2022 by the petitioner praying for passing an order granting him to bring the minor grand daughter, namely, Ritaja Mondal at his premises during ensuing summer vacation commencing from 21.05.2022 to 21.06.202 is hereby rejected on contest but without any order of cost.

Fix **29.07.2022** for hearing of the case analogously with Act VIII Case No.01 of 2019.

*Dictated & corrected by me,*

Chief Judge.

Chief Judge,  
City Civil Court, Calcutta.