

Act VIII Case No.03 of 2017

Present : Jayashree Banerjee, Chief Judge

Order No.53, dated 30.01.2023:

By order dated 22.12.2022 this Court granted limited custody to the paternal grandfather of the child Ritaja Mondal from 24.12.2022 to 29.12.2022. Against such order revisional application was preferred by the opposite party before the Hon'ble High Court during winter vacation and stay was obtained for four (4) weeks in CO 4010 of 2022. Such order was an ex parte order given by the vacation Bench and thereafter no prayer for extension of such stay order was made by the opposite party before the Hon'ble High Court.

Today the paternal grandfather has come up with an application for modification of the order passed by this Court on 22.12.2022.

It has been submitted by the Ld. Counsel appearing for the paternal grandfather that in the application dated 30.11.2022 a consolidated prayer was made by the paternal grandfather praying for limited custody of the child Ritaja Mondal for 10 days during summer vacation, 7 days during Puja vacation and 7 days during winter vacation. While passing the order dated 22.12.2022 this court granted only 7 days temporary custody of the child Ritaja Mondal to the paternal grandfather during the winter vacation and the rest of the prayer i.e. 10 days during summer vacation and 7 days during Puja vacation were not included in the said order.

Having considered the submission and perusing the pleadings made at page 4 paragraph 10 of the application dated 30.11.2022, this court is inclined to modify the order dated 22.12.2022 and include ten (10) days temporary custody during summer vacation and seven (7) temporary custody during Puja vacation of the child Ritaja Mondal to the paternal grandfather. This Court is aware that the order dated 22.12.2022 is under challenge but in my humble opinion that does not preclude the court from rectifying its own order by making necessary modification.

The application dated 30.01.2023 praying for modification of the earlier order dated 22.12.2022, thus, stands allowed with the modification of allowing temporary custody to the paternal grandfather of the child Ritaja Mondal for 10 days during summer vacation and 7 days during Puja Vacation in the previous order.

Fix 23.02.2023 for hearing of the main case analogously with Act VIII Case No.01 of 2019.

Dictated & corrected by me,

Chief Judge

Chief Judge
City Civil Court, Calcutta.