

Misc. Case No.133 of 2024
CNR No. WBHW01-002502-2024
Present : Sri Plaban Mukherjee (J.O Code : WB01427)
Order No. 11, dated : 11.08.2025

Today is fixed for passing order.

The petitioner files hazira through Ld. Advocate.

The respondent files hazira through Ld. Advocate

Ld. Advocates of both sides are present.

Now, the case record is taken up for passing order.

At the time of argument on earlier occasion, Ld. Advocate for the petitioner submitted that the petitioner is the father of the minor child Subhadeep Banik, who is presently residing under the care and custody of the respondent i.e. the mother of the child. It is further submitted that the respondent has left her matrimonial home with their child without any reason and despite several persuasion, the respondent refused to allow the petitioner to meet their minor son. It is further submitted that at present, the petitioner is aged about three years and the child is completely deprived of the fatherly care and affection. Accordingly, the petitioner prayed for directing the respondents to allow him/the petitioner to visit his minor child.

The respondent has filed her written objection and at the time of argument, her Ld. Advocate submitted that all the allegations of the petitioner in his petition are nothing but sheer lies and the petitioner never discharged any responsibility towards the minor child, being father. It is further submitted that the respondent having no other alternative, has also filed an application under the relevant provision of Protection of Women from Domestic Violence Act, 2005, which is still pending. It is also pointed out that at present, the minor child is only aged about three years and at

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[Continuing Order dated 11.08.2025]

this stage, it would not be proper for the welfare of the child to allow the visitation right of the petitioner on any terms. Accordingly, Ld. Advocate for the respondent prays for rejection of the application.

Perused the case record, the application praying for visitation right u/s 12 of the Guardian and Wards Act, 1890, its written objection and other materials on record, wherefrom, it appears that the petitioner has instituted this case u/s 6/ 8 of the Hindu Minority and Guardianship Act, 1956 read with Section 12 and 25 of the Guardian and Wards Act, 1890, praying for custody of the minor child.

The case record reveals that the Opposite parties did not dispute the status of the petitioner being father of the ward and at present, the child is aged about three years. It further appears that strained relation in between the parties led them to reside separately carrying natural consequence of depriving the child of natural love and affection of both of parents. At this initial stage, it would not be proper to assess with all minute precision that at whose fault, the relationship in between the parties to this case has become strained and accordingly, considering the best interest of the child,. I am of the considered view that at this stage, the petitioner should not be deprived from providing his love and fatherly affection to their minor child.

On further perusal of the case record, it also transpires that both the parties to this case are the residents of Howrah District.

Considering the above facts and circumstances of this case, this Court is of the opinion that the petitioner should be allowed to meet with his minor child at Belur Math, at Belur, Howrah twice in a month i.e. on the first Sunday and 3rd Sunday of every month and the visiting hours would be from 4 pm to 6 pm.

Hence, it is

ORDERED

that the petition praying for allowing the petitioner to visit his child, filed by the father/petitioner, is allowed on contest.

The father is allowed to meet with his son on the first Sunday and 3rd Sunday of each month from 4 pm to 6 am at Belur Math, Belur, Howrah, with effect from the date of passing of this order.

Thus, the petition is disposed of.

Fix 10/12/202 hearing of the Misc. Case.

Dictated & corrected

A.D.J, 1st Court, Howrah
Dated : 11/08/2025

Addl. District Judge, 1st Court,
Howrah.