

Act-VIII Case No. 65 of 2023
CNR NO. WBND010056292023
R. No. 65/23
JO Code. - WB00657

Order No. 11, dated – 07.03.2025.

Case record is put up today for order.

This is the hearing of the petition dated 23.09.2024, filed on behalf of the respondent Subarna Biswas Hazra / mother and against the said petition, written objection has been filed by the petitioner Aniruddhya Hazra / father and accordingly, the same was taken up for hearing on 01.03.2025.

Having perused the petition, written objection filed against it by the other side and having heard the Ld. Advocate for both the parties, it appears that pursuant to the application filed by the petitioner / father the court was pleased to pass an order on 09.09.2024 for visitation of the minor girl by the father, who is in custody of her mother, at 12.30 P.M, in the court premises. Accordingly, the child was brought at 12 O'clock in the court premises but the child was very frightened seeing her father and started crying. Thereafter, the child was taken to the Bar Association, room No.4 where all of a sudden, it is alleged that, the petitioner / father along with 4 to 5 outsiders appears there and not only started creating chaos but also tried to snatch away the said minor girl in front of the Ld. Advocate of the petitioner. Having noticed this incident, the minor got terribly frightened and started crying profusely which was observed by all the members of the Bar, present over there and the persons namely Raj Mallick, Saikat Bhattacharya, who accompanied the petitioner / father tried to snatch away the said minor girl from the respondent but due to the intervention of the member of the Bar Association, they were pushed out of the room. Accordingly, the same caused tremendous mental trauma in the mind of the said minor girl. It is further alleged that on 19.09.2024, the petitioner / father went to school, where the minor studies, in order to take her but due to the pro-active step of the school authority he could not succeed in getting the minor girl and over the said incident there was huge chaos and the respondent / mother was called on by the school authority and the guardians who were present there took the photo on their mobile. Then thinking no other alternative the respondent have to send a mail to the Kalyani P.S, informing all the incidents.

So, unless the court interacts with the minor to check her mental and physical health, should not allow the said visitation of the minor by the petitioner / father.

Needless to mention that all the allegations and / or statements as made aforesaid were duly disputed and denied by the petitioner / father and it was contended that on 23.09.2024, the petitioner came to the court with great expectation to meet his daughter but unfortunately he had to go back with the future expectation that on 14.01.2025, he would meet his daughter. Subsequently,

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came to know that a false and malafide petition has been filed against him by the respondent / mother with a concocted story. So, he has prayed before the court to execute the said order enforcing his right to visit his child.

At the time of hearing some printout of facebook posts were placed before the court by both the parties in respect of their respective submission and counter submission and after perusing the same, some of the facebook posts cannot be expected from a responsible parent who has already sought for the custody of his minor daughter and the same was already allowed by the court. She is presently in the custody of her mother. Some of the facebook posts are even against the character assassination of the lawyers of the Krishnanagar Bar Association and the same is also instigating one.

Having heard the petitioner / father in person it also appears that some sort of frustration has been there in his behaviour over taking the custody of the child in question but the same is not at all healthy for the mental health of the child and I am afraid, if such situation continues, the court may shall have even to think otherwise in future keeping in view the mental trauma of the child. Although, this court does not find any justifiable reason on the part of the petitioner / father to shrug off his frustration upon others and in the judicial system and / or process when this court has already allowed his prayer seeking his right of visitation to the said child in question vide order dated 09.09.2024. If the child his not produced defying the order of the court by the respondent / mother, the same can be meted though legal course of action for which he has already pointed by Ld. Lawyer. But that does not mean that he will take the law in his own hand and by flexing his muscle will go against the overall interest of the mental and physical health of the child. The said attitude is not at all befitting on the part of a responsible parent. However, since there already exists an order in favour of the petitioner / father to meet his minor daughter in court, he should not be deprived of his such valuable right but if any further allegation comes into being against him in future, the same will be severely dealt with including the cancellation and / or recalling of the order, dated 09.09.2024.

Nevertheless, I think a chance should be given further to the petitioner / father, to meet his minor daughter in court on the next date i.e. on **23.04.2025** and the respondent / mother is hereby directed to produce the said minor child before the court at **12.30 P.M**, for the purpose of interaction of the said child with the court and pursuant thereto, if the situation otherwise does not appear to be unhealthy, the court may allow the father to interact with his own daughter within the court premises.

Dictated & Corrected
Sd/- Subhankar Sen
District Judge
Nadia at Krishnanagar
07.03.2025

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