

**In the Court of the Addl. District Judge, FTC 3rd Court,
Basirhat.**

Mat suit no. 123 of 2019

Present:-

Sri Sanjay Naskar(**WB01025**)

Addl. District Judge, F.T.C.3rd Court, Basirhat.

Order no. 31, dt. 29/06/2024

Both the contesting parties are present through their Ld. Advocates. As fixed, the record is taken up for hearing the petition dt. 07.07.23, filed by the respondent-husband for visitation right of his minor child.

Having heard both sides and perusal of the record, it appears that due to matrimonial feud the petitioner-wife has filed this suit for divorce wherein the respondent-husband preferred the instant petition praying for exercising his right of visitation of his minor child who has been living in the custody of the petitioner-wife .

It is alleged that the respondent-husband went to visit his minor son, aged 07 years old, in the parental house of the petitioner-wife but he was not allowed to visit his son. It is further alleged that the petitioner-wife has voluntarily left her matrimonial home with her child on 04.08.2008 and since then, she along with her child has been residing at her parental abode. On the other hand, the Ld. Advocate for the petitioner-wife has objected the same and submitted that the husband subjected the petitioner-wife to cruelty both physically and mentally and he was not taking care of the petitioner-wife and her child and finally he drove them out of his house.

It further appears that admittedly, the petitioner and the respondent got married as per Hindu rites and customs and from the said wedlock a male child was born who is now minor, about 07 years old. Later, marital discord cropped up between the parties and the petitioner-wife along with the minor child, left her matrimonial home. Due to marital discord, the respondent-husband was constrained to file the instant petition to access visitation of his minor child. However, the petitioner-wife refused the same. It is submitted that the minor child is losing out the love and affection of his father and accordingly, having no other alternative, the respondent-husband has come up before this Court for necessary reliefs.

Considering the facts and circumstances of the case, this Court is of the view that respondent-husband has an equal right upon his minor child, along with the petitioner-wife and therefore, the respondent-husband deserves to have the right of visitation with his minor child. Accordingly, considering the welfare of the minor child, the respondent-husband is given liberty to meet with his child, at least once in a week, preferably on Saturday, between 5:00 P.M to 7:00 P.M, at the residence of the petitioner-wife and during the period of such meeting, the petitioner-wife will provide an exclusive room in their residence where the respondent-husband and the child will freely meet each other during the period of such meeting without any interference from the petitioner-wife and any member of her family. This arrangement will remain effective from date of the order till the disposal of this mat suit.

The petitioner-wife is directed to allow the respondent-husband to interact with his child comfortably, without putting force or undue influence.

It is, further, made clear that the parties are not to apply force or cause a scene, which might inflict trauma upon the minor child.

The petitioner-wife and the respondent-husband, being the parents, are expected to maintain proper decorum and to allow the minor child to meet with his father, as per the direction of this Court.

Thus, the instant petition dt. 07.07.2023, filed by the respondent-husband for visitation right of his minor child is disposed of on contest.

To 05.09.24 for evidence of the petitioner.

Dictated & Corrected by me.

Addl. District Judge,
F.T.C.3rd Court, Basirhat.

Sanjay Naskar.
J.O.Code WB01025
Addl. District Judge,
F.T.C. 3rd Court, Basirhat.