

ACT VIII-41/2020

Order No.46
10.05.2024

The record is put up on the prayer of the petitioner.

One petition has been filed by the petitioner praying for allowing him to spend sometime on the birthday of the minor child on 15.05.2024 at his residence. Copy has been served upon the respondent side.

The petition is heard in presence of both the parties.

I find that the petitioner has made a very reasoned prayer for celebrating the birthday of the child and such prayer cannot be said to be an excessive or an unreasonable demand. The Ld. Counsel for the petitioner mentioned before the Court that if it is possible that the child be brought to the residence of the petitioner then he himself and his mother could have spent sometime with him on his birthday and if it is at all not possible then the petitioner may be allowed to visit his child on his birthday at the place where he resides with the respondent. The Ld. Counsel for the respondent raised objection mentioning that since Sunday is the visitation day the petitioner can meet his child on the said date as he has his school and the respondent also comes home in the late evening so circumstances may not be conducive enough for the visitation.

Hearing the submission of both parties and after perusing through the record, I find that the relationship in between the parties have been bitter and is absolutely not normal. It is not reasonable for a father to meet his child on any alternate day other than his birthday as mentioned on the part of the respondent, as the special day has its own flavour of observance and such cannot be extended to some other day especially when the child is at a such tender age of 7 years and he would be more happy to have his celebrations on his special day. Therefore, considering all , I feel that some time can be reserved for the petitioner to celebrate the birthday of his child even if by visiting the respondent's residence and it is usually normal for a parent to reach home early from his /her office on the special day of their child.

In the light of the above observation, an order can be passed in this way that the petitioner shall be permitted to visit the child at the residence of the respondent on his birthday on 15.05.2024 from 7.00 pm to 8.30 pm and he shall be allowed access by the respondent and be also allowed to give gifts, chocolates, cakes etc. as per his wish for the child on his birthday.

Any one of the Ld. Counsels of either parties shall be present at the venue at that period of time to monitor the situation so that no untoward incident happens and

the child is not put to any uncomfortable or uneasy situation due to the dispute in between the parties.

The petition dated 10.05.2024 thus stands disposed of.

To-date.

The order be uploaded in the CIS at once.

D/C by me

A.D.J

Additional District Judge,
9th Court, Alipore,
South 24-Parganas.