

**Act VIII-41 of 2020**

Order No.57  
13.05.2025

Today is the date fixed for hearing of the petition u/s 151 CPC dated 21.03.2025 filed by the petitioner / father.

Both parties file hazira.

Written objection filed by the respondent / mother.

Heard Ld. Advocates for both sides.

Perused the petition, written objection as well as the case record. Considered.

On perusal of the petition it appears that this petition has been filed by the petitioner / father praying for allowing him to spend some time with his child on his birth day being 15<sup>th</sup> May, 2025 at his residence or in any other place.

Ld. Advocate for the respondent / mother raised objection. He has submitted that 15<sup>th</sup> May, 2025 is a school day for his child. It is also working day for her and she cannot take leave on the said day. The respondent be able to spend with the child after she has returned from her office. It would not be possible for her to accompany the child to the house of the petitioner. The present application is not maintainable and liable to be rejected.

Ld. Advocate for the respondent / mother has further submitted that the respondent is not willing to stand in between the father and the child but her only objection is to go to the house of the petitioner. Ld. Advocate for the petitioner / father has submitted that he is not willing to celebrate the birth day of his child at the house of respondent / mother.

Hearing the submissions of both sides and after perusing the record I find that the litigations are going between the parents. The minor child is in custody of his mother. Here the petitioner / father wants to have a larger celebration of their child when the other prefers something more intimate.

Birthdays are meant to be joyous occasion. Putting the personal issues assigned I find that for the sake of the child, his birth day should be celebrated together harmoniously.

Considering this I do find that an order can be passed that the petitioner /father shall be permitted to visit the child at Mani Square Mall on his birthday on 15.05.2025 from 5.30 p.m to 7.30 p.m. Petitioner / father is directed to bear all the expenses at that Mall. He is allowed to give the gifts chaklets, cake etc. to his child as per his wish.

Parties are at liberty to be accompanied by their Ld. Counsels at the venue at that period.

Respondent / mother is directed to produce her child on scheduled date and time at Mani Square Mall.

The petition dated 21.03.2025 is disposed of.

To **02.09.2025** for further hearing.

*Dictated and corrected by me*

Additional District Judge

Additional District Judge  
ADJ, 3<sup>rd</sup> Court, Alipore