

ACT VIII-41/2020

Present : Dr. Moumita Bhattacharya, A.D.J., 9th Court, Alipore, J.O. Code- WB00810

Order No. 43

13.02.2024

Today is fixed for hearing of the petition filed by the petitioner u/s. 151 of the C.P.Code whereby the petitioner had prayed for directing the respondent to produce the minor child for offering puja and for performance of rituals of Shraddha on account of the death of the father of the petitioner named Prabal Ray on 17.02.2024 at Debalaya , D-40A, Baghajatin, Kolkata-700 032.

Heard the parties with respect to the petition. It is submitted from the petitioner's side that it was the desire of the father of the petitioner that his grandson should offer water to him and he shall perform the rituals of Shraddha and inspite of communicating this to the respondent she did not pay heed to the same. The petitioner thus prayed for an order in this regard so that the last wish of the petitioner's father could be fulfilled. This was invited with strong objection from the end of the petitioner and it was mentioned that the child being of a very tender age has never confronted with this situation and this might disturb his mental balance and further it would be detrimental to his health and he might not appear to be fit for his exams which is continuing.

The respective submissions are duly considered by me. The parties are Hindus and the ritual of Shraddha is an important part of our religious tenets. As to the tender age of the child and his non-confrontation with such a situation, the same is acceptable but the argument regarding the disturbance of mental balance of the child due to such puja and offering water is, in my opinion a serious exaggeration which is unacceptable and unreasonable. I cannot find any justifiable reasons for such a behaviour on the part of the child and in case the child will be experiencing the said situation for the first time it is the duty of the respondent to make him mentally prepared because such a prayer on the part fo the petitioner does not appear to me to be categorized as harmful or malafide. It is the pious duty of a son to offer water to his father's soul after his death and the grandfather is a part of the family of the father. Doing such an act by the minor child would be a part of the religious sentiments of a Hindu family.

For all the above reasons, I feel that the petitioner's prayer should be allowed.

However, considering the severely strained relationship between the parties, I consider it justified to order the visit in presence of the Ld. Counsels of both parties.

Hence, it is

ORDERED

that the petition filed by the petitioner on 12.02.2024 is allowed on contest without cost.

The respondent is directed to take the minor child to the Shraddha venue at Debalaya, D-40A, Baghajatin, Kolkata-700 032 on 17.02.2024 and to reach there by 11.15 a.m. She is further directed to allow the child to perform the puja and the rituals as may be necessary for the Shraddha occasion of his grandfather. The entire formalities must be completed within

half an hour in presence of the Ld. Counsels of both parties. Both the petitioner and the respondent are directed to take care so that the rituals may be completed by the child in a peaceful atmosphere and they should restrain themselves from doing anything which would be detrimental for the welfare of the child.

To-date.

D & C by me.

A.D.J., 9th Court, Alipore, South 24 Pgs

A.D.J.