

CNR NO: WBSP01-004562-2019

Order No.27 dt. 16.03.2021

Hajira filed on behalf of the petitioner / father through Ld. Advocate alongwith postal receipts & track report.

Hajira filed on behalf of the respondent.

Opposite party Uma Roy filed written objection against the petitioner's application dated 04.03.2021. Copy served.

The petition dated 04.03.2021 filed by the petitioner / father is taken up for hearing and passing order.

Heard both the sides. Considered. Perused the petition, W.O and the case record.

Ld. Advocate for petitioner / father Pratip Kumar Ghosh submitted that birth day of his daughter is on 28.03.2021 and he desires to celebrate his daughter's birth day and accordingly prayed for directing the opposite party to hand over the custody of the minor daughter to the father petitioner on 28.03.2021 under supervision of Ld. Advocate Commissioner Soma Dey for celebrating her birth day and to allow him to meet with the daughter at permissible time fixed and further to direct the opposite party Uma Roy to allow the petitioner / father to speak to the minor daughter over phone every day on a reasonable time. The Ld. Advocate further submitted that the minor daughter may be handed over to the custody of the petitioner / father on 28.03.2021 so as to enable him to take the minor daughter to his residence and celebrate her birth day along with his family members and other guests and relatives on the day.

Ld. Advocate for the opposite party Uma Roy submitted that he had filed written objection against the petition dated 04.03.2021. He stated that the opposite party Uma Roy had no objection if the petitioner / father be permitted to meet and celebrate the birth day of his minor daughter on 28.03.2021 at opposite party Uma Roy's residence. He further submitted that the petitioner / father may visit the house of the opposite party Uma Roy where the minor resides for the birth day celebration of the minor. The Ld. Advocate also submitted that the opposite party Uma Roy freely allowed the petitioner / father and the Ld. Commissioner Advocate Soma Dey for telephone / video call conference on the specific schedule time and date and the said minor daughter was freely able to talk with each other.

Heard. Considered.

The petitioner / father wants to celebrate the birth day of his minor daughter on 28.03.2021 at his residence in the presence of his family members, relatives and other guests as well. The opposite party Uma Roy has no objection in regard of birth day celebration of the minor by the petitioner / father. The opposite party Uma Roy expressed that the birth day celebration of the minor to take place at her residence. In the circumstances of the case and considering the paramount welfare and interest of the minor, I am of the view that the petitioner / father be allowed to celebrate the birth day of the

minor on 28.03.2021 and for this purpose the opposite party Uma Roy is directed to allow the petitioner / father to meet with the daughter on 28.03.2021 for the purpose of birth day celebration. However, I am of the view that the purpose of celebrating the birth day of the minor may be achieved

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by allowing the petitioner / father to visit and meet the minor at the residence of the opposite party Uma Roy.

Accordingly the opposite party Uma Roy is directed to allow the petitioner / father to meet the minor child on 28.03.2021 from 06.30 p.m to 09.30 p.m for the purpose of birth day celebration of the minor in the presence of the Ld. Advocate Commissioner Soma Dey and in the absence of her by any reason in the presence of Ld. Advocates of both the sides.

The Ld. Advocate for the petitioner / father submitted that petitioner / father wants to talk with the minor daughter over phone everyday at a reasonable time. With regard to the prayer of the petitioner / father to allow him to speak the minor daughter over phone every day at a reasonable time, I am of the view that the minor be heard in this regard.

Fix to date i.e 08.04.2021 for appearance and further order.

D/C by me

Addl. District Judge I/C,
1st Court, Alipore
South 24 Parganas

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