

**Mat. Suit No.1115/2017**  
**(CIS No.1115/17)**  
**CNR NO. WBSP010061892017)**  
**JO CODE : WB00580**

**Order No.44 dated 23.08.2022**

Today is fixed for hearing of petition dt.13.12.2018 and for production of child.

Hazira filed on behalf of both the parties through their Ld. Advocates. Respondent/husband/father is present but petitioner/wife/mother is absent.

Now, the petition dt.13.12.2018 filed by the Respondent/husband/father is taken up for hearing.

Ld. Advocate for the Respondent/husband/father submits that this Matrimonial Suit is pending in between the parties since 2017. Naisha Bhattacharjee who is now aged about 5 years is the daughter of the parties who is at present residing with her mother. It is the further submission of the Respondent/husband/father that since October, 2018, the father has been not allowed to meet with his daughter. Whenever, the Respondent/husband/father went to the house of the petitioner/wife/mother, he was denied to meet with his daughter on different pretexts. In such circumstances, the father by filing this petition prays before this court to pass necessary order directing the mother to allow the father to meet with their daughter. The Ld. Advocate for the Respondent/husband/father further submits verbally that the father intends to pick up his minor daughter Naisha Bhattacharjee from the house of the mother on any two Sundays of every month and bring the child to his house for two hours so that they can spend some quality time.

The petitioner/wife/mother has contested this petition and filed written objection. During hearing of the petition, Ld. Advocate for the petitioner/wife/mother raised formal objection and admitted that the minor child is residing with the petitioner/wife/mother at her paternal house situated at 56B, Purba Diganta, Santoshpur, PS-Survey Park, Kolkata - 700075 which is mentioned in the main petition for restitution of conjugal life filed by the petitioner/wife. The Ld. Advocate for the petitioner/wife/mother further submits that as the Respondent/husband/father is the natural guardian of the minor daughter Naisha Bhattacharjee, so, he has every right to meet with his daughter and raised no objection if the father is allowed to pick up their daughter from the house of the petitioner/wife/mother on every alternate Sundays of each month and take her to the joint house where the father resides which is situated at Vishakha Apartments, Flat-1B, 525, Purbalok, Kalikapur, PS-Purba Jadavpur, Kolkata - 700099 for two hours.

Heard both sides at length.

Considered. Though the petitioner/wife/mother was directed to bring the minor daughter to the court today but she is not present. The Ld. Advocate for the petitioner/wife/mother submitted that as her examination is going on, so, she failed to produce the child before this court.

Keeping in view the submission of both the parties, I am of opinion that for the paramount benefit of the minor daughter and for the healthy upbringing of the child, the father who is the natural guardian should be permitted to meet with his minor daughter Naisha Bhattacharjee. Hence, the prayer of the respondent/husband/father is allowed and he is permitted to pick up his daughter on every alternate Sundays of each month from the house of petitioner/wife/mother at 9am and take her to his house situated at Vishakha Apartments, Flat-1B, 525, Purbalok, Kalikapur, PS-Purba Jadavpur, Kolkata - 700099 mentioned in the main petition for restitution of conjugal rights which is a joint property and keep the child with him for two hours and subsequently, return the child to the custody of her mother within 11.30am.

The petitioner/wife/mother Madhumita Bhattacharjee is hereby directed to handover the minor child Naisha Bhattacharjee to her father on every alternate Sunday at 9am and respondent/husband/father is also directed to return the child to the custody of her mother within 11.30am. This order shall take effect from 04.09.2022.

Fix 13.12.2022 for compliance report on the part of the respondent/husband/father and further order.

Dictated & corrected by me.

ADJ-1st, Alipore

Addl. District Judge,  
1st Court, Alipore,  
South 24 Parganas  
23.08.2022