

In the Court of the Ld. District Judge, South 24-Parganas, Alipore

**Act VIII Case No.206 of 2024 (R-206)**

Present : Sri Subhradip Mitra (WB01129), District Judge, Alipore

CNR No. WBSP01-013459-2024

Atmadeep Chakraborty ..... Petitioner/Father

vs.

Mousumi Chakraborty ..... Respondent/Mother

**Order No.01, dated 07.10.2024**

This is an application u/s 25 of the Guardians and Wards Act, 1890 wherein the petitioner has prayed for an order for custody of the minor child and other prayers, as stated therein.

Register the same.

Court fees paid is correct.

Requisites put in.

Process fee is paid.

Issue requisites at once.

Petitioner also files an application u/s 12 of the Guardians and Wards Act for interim custody and an application u/s 151 CPC for visitation assigning the ground which is as follows:

The petitioner is the biological father whereas, opposite party herein is the biological mother of the child namely, **Aahan Chakraborty** .

The petitioner's case is that his son namely, **Aahan Chakraborty** born out of their wedlock on 12.07.2017, is now under the care and custody of his mother/opposite party. It is stated that the said son was growing up gradually, but the petitioner is being deprived from the company of his son which is very much painful for a father who is unable to see his grow up in this tender age. Since 14.03.2024 the petitioner is prevented to meet the said son by the respondent/mother. It is stated that a Matrimonial Suit is pending before the 8<sup>th</sup> Court of Ld. Additional District Judge, Alipore. The petitioner being the father of the minor son, is eager to perform all possible duties towards his son. As such, he prays for temporary custody of the said son **Aahan Chakraborty** till disposal of the case.

The petitioner also files an application u/s 151 Civil Procedure Code praying for granting guardianship of the minor son **Aahan Chakraborty** and directing the respondent to hand over the custody of the said child and also directing respondent to handover temporary custody of his son and also in ensuing festive season of Durga Puja, Lakshmi Puja and Kali Puja, the petitioner intends to give gifts to his said minor son. Hence, this case.

Heard. Perused the petition filed today. Also perused the postal receipt along with track report of a package, postal receipt along with track report of money order for Durga puja, postal receipt along with track report of money order regarding medical expenses of the minor son, bank statement of the petitioner, money receipt for educational expenses of the child , etc.

However, exercising the provision u/s 12 of the Act, 1890 read with section 151 CPC filed by the petitioner/father and keeping in mind the ensuing Puja season, the prayer for an ad interim relief is hereby allowed on the following manners.

(contd....Order no.01 dated 07.10.2024 in Act VIII Case No.206 of 2024)

(i) That, the petitioner/father is permitted to meet his minor son for giving any gifts to his minor son namely, **Aahan Chakraborty** at the residence of the respondent/ mother at R/o Krishna Apartment, 635, Beni Master Lane, P.S. Parnasree, Kolkata-700 061 on **09.10.2024 i.e. Sasthi of Durga Puja in between 2 P.M. to 3 P.M.**

(ii) That, if the petitioner/father and the minor son are willing to meet again, then the petitioner/father would meet his son on **12.10.2024 i.e. Dashami of Durga Puja** at the residence of the respondent/mother at R/o Krishna Apartment, 635, Beni Master Lane, P.S. Parnasree, Kolkata-700 061 or in any place of convenience for both sides on mutual understanding which may be the interest of the minor in between **11 P.M. to 12 noon** and in case of any opposition or objection from the respondent/mother that any sort of hardship to be faced by the minor son on subsequent visit, the same will automatically be cancelled.

(iii) That, if the petitioner/father and the minor son are also willing to meet for another visitation, then the petitioner/ father would meet again to his son on **31.10.2024 i.e. on the auspicious day of Kalipuja** at the residence of the respondent/mother at R/o Krishna Apartment, 635, Beni Master Lane, P.S. Parnasree, Kolkata-700 061 or in any place of convenience to be mutually decided in **between 2 P.M. to 4 P.M.** and in case of any opposition or objection from the respondent/mother that any sort of hardship is to be faced by the minor son on the visit, the same will automatically be cancelled.

The respondent/mother is hereby directed to produce the minor son **Aahan Chakraborty** before the petitioner/father at her residence, on the date and time, as mentioned above for smooth visitation for the purpose and she shall cooperate at the time of interaction with his father.

Both the parties are directed to follow the order of this court strictly and to maintain the decorum during the visiting hours, as discussed above.

Fix **12.11.2024** for S/R and appearance.

Let a copy of this order be sent to the respondent/mother for her prior information and due compliance.

The petitioner is directed to file requisite at once.

Dictated & corrected by me  
Sd/-Subhradip Mitra  
District Judge

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District Judge  
(WB01129)