

Present:- Kumkum Chattopadhyay

Misc Case -31 of 2014(3101/2014)

Order no.

Dated: 05.10.2024

Today is fixed for production of the child.

Petitioner/ mother is present.

Respondent / father is not present.

Minor child of the parties namely Parijat Kulshreshtha is present.

Thereafter the case record is taken up for hearing the petition under Order 39 Rule 4 CPC praying for modification of the injunction order passed by this court.

Heard Ld. Advocates for both sides.

Perused the petition. Considered.

On perusal of the petition it appears that respondent / father has prayed for to modify the order dated 23.02.2014 passed by this court and prayed for permission to access the child Parijat Kulshreshtha and meet the child in holiday.

On perusal of the case record it appears that vide order no.05 dt. 23.06.2014 respondent / father was restrained for removing the minor child Parijat Kulshreshtha from the custody of the petitioner / mother. It also appears from the case record vide order no.21 dt.10.06.2015 respondent / father is permitted to visit his minor son Parijat twice in a month for two hours from 10.00 a.m to 12.00 noon on every 2nd and 4th Sunday in the premises of the petitioner at IIT Campus, Kharagpur. Against the said order petitioner / father has preferred an Revisional Application being C.O No.- 2892 of 2015 dt. 12.08.2015. But that Revisional Application is dismissed.

Ld. Advocate for the respondent / father has submitted that respondent / father intends to take out his child outside the IIT, Kharagpur Campus on Saturday and will return the child on Monday.

On being asked the minor child has stated that his father does not come to meet him physically since 2019. He met with his father physically in the year 2019 for the last time. Today also respondent / father is not present before the Court. It appears from the conduct of the respondent / father that respondent / father can not show his eagerness to meet with his only minor child Parijat Kulshreshtha. More over, prayer for visitation of the child of the respondent / father has already been allowed on 10.06.2015 in spite of the permission of the respondent / father did not go to Kharagpur to meet his minor son Parijat Kulshreshtha.

Considering all these, I am in the opinion that there is no cogent ground to modify the order dated 23.06.2014.

Accordingly the petition under Order 39 Rule 4 of CPC is hereby rejected on contest.

To 18.01.2025 for hearing of the Misc Case.

D/C by me

A.D.J.

Addl. District Judge
3rd Court, Alipore, South 24 Parganas
JO- WB000742

