

MAT SUIT NO. 13 OF 2024
CIS Registration No.41 of 2024

Order Number 6 dated 19.07.2024

Petitioner files hazira.

One application under order 6 rule 17 of CPC is filed from the side of the petitioner.

Postal receipt along with track report are filed in respect of the pleadings and the petitioner under section 151 of CPC dated 18.05.2024.

Record speaks that today was fixed for hearing of the application for visitation of the child Baibhab Kumar Pasi. As per direction issued copy of the application appears to have been duly served upon the respondent.

None appears on repeated calls from the side of the respondent/wife.

It appears to the court that custody of the minor child Baibhab Kumar Pasi is with the respondent/wife/Anjali Pasi and the father as natural guardian is facing issue in visitation.

Both the mother and the petitioner/father are natural guardians however where the parties had resorted to litigation in connection with their child the court acquires a *parens patriae* jurisdiction.

In the case of **Yashita Sahu vs State of Rajasthan & Ors in Criminal Appeal No.127 of 2020 arising out of SLP (Crl) 7390 of 2019** it was stated that welfare of the child is of paramount consideration and that a child of tender years requires the love, affection, company and protection of both parents. It was also reiterated that such requirement of the child comes within the category of basic human rights. Visitation by the non-custodial father relates to the basic human rights of the child.

Hence, the petitioner/husband is directed to send a copy of this order upon the respondent/mother to appear before this court along with the child on 31.08.2024 at any time between 10:30 A.M. and 3:00 P.M.

The respondent/mother to note that coercive measure will follow in case there is refusal to appear before this court on the date and time as indicated.

A copy of this order be uploaded in C.I.S. and be handed over to the petitioner/father for causing service upon the respondent/mother.

Fix **31.08.2024** for further orders.

Dict. & Corr. by me,

sd/-
Addl. Dist. & Sess. Judge, 2nd Court,
Sealdah.

sd/-
Addl. Dist. & Sess. Judge, 2nd Court,
Sealdah.