

Misc (Guardianship)-28 of 2015
CNR NO.WBUD01-000699-2015
J.O CODE NO.WB 1277

Order No.56
Dated:16.08.2023

The petitioner is present by advocate's hazira.

A petition for adjournment is prayed from the end of the OPs. Let the same be kept with the record.

Both the Ld. Advocate for the petitioner and the Ld. Advocate representing the OPs are present in Court today.

Ld. Advocate for the petitioner draws my attention to the protracted pendency of the petition dated 11.10.2018 which deals with a prayer made from the end of the petitioner being the father of the child in question to be accorded an opportunity to visit his son namely Rudranka Shekhar Ghosh @ Babu @ Babu .

It is also submitted from the end of the petitioner that since a long time for almost five years, the said petition is pending for adjudication and the petitioner's father is being deprived of the scope to have access to his son as named above.

Ld. Advocate appearing for the opposite parties on being queried by the Ld. Court about the long pendency of this petition, fairly submitted that due to several varied reasons the petition for visitation could not be moved for adjudication by the Ld. Court. It is also proposed by the Ld. Counsel representing the Ops that the Ld. Court may dispose of this application with a direction permitting the petitioner/father to visit his son presently lodged at a Boarding School at Purnia, Bihar on a date and time fixed as per the convenience of the parties.

On a articulate perusal of the contents of the case record, I find that since the date of filing of the petition under reference, several dates have withered away but the petition could not be taken up for disposal. The reasons for the same account to several factors. But without divulging more on the said reasons, on a stringent technical basis, I feel that the objective and purpose of the petitioner for which the petition was filed should be addressed. Needless to state, it is known to one and all that in cases relating to custody of children, the paramount welfare of the child gets the fundamental consideration and such welfare can only be successfully attained if the child is enjoined with the opportunity to have access to both his parents and cherish the comfort of their love and affection. By applying this trite position of law to the facts of the present case, I feel that an order directing the parties to make arrangement to ensure the visitation of the child as named above by the father being the petitioner herein, will sub-serve the cause of justice. Accordingly by resting on this observations, I direct that the petitioner/ father shall be entitled to visit his son namely Rudranka Shekhar Ghosh @ Babu at his school at Purnia on 27th of August, 2023 being a Sunday. The opposite parties are directed to render

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all necessary co-operation to the petitioner in respect of such visitation. There is no need to keep the application for visitation pending any longer and the same is accordingly disposed of with the aforesaid directions.

The school authority being Millia Convent English School is directed to see to it that no difficulty is faced by the petitioner in the process of visitation of his child namely Rudranka Shekhar Ghosh @ Babu.

Office is directed to send a copy of this order to the Principal of Millia Convent English School for information and compliance.

Let a sign copy of this order be handed over to both the parties on usual undertaking.

Fixing **05-09-2023** for Report.

Dictated & Corrected by

District Judge
Uttar Dinajpur at Raiganj

District Judge
Uttar Dinajpur at Raiganj