

Misc (Guardianship)-28 of 2015
CNR NO.WBUD01-000699-2015
J.O CODE NO.WB01277

Order No. 59
Dated: 08.09.2023.

Petitioner is present by Advocate's haizra.

A petition is filed from the end of the Opposite Party. Let the same be kept with the record.

The Principal of Milia Convent English School, Rambag Purnia, is present in Court today in terms of the earlier direction of this Ld. Court.

A petition is filed from the end of the Principal along with some documents. Let the same be kept with the record.

Ld. Advocate for the petitioner draws the attention of the Ld. Court at the first instance that in spite of an earlier order dated 05.09.2023, the child has not been produced before the Ld. Court today. Ld. Advocate for the petitioner furthermore submits that for the reasons best known to the OPs, they are shelving the child away from the zone of access by the father/petitioner who happens to be the only surviving parent of the child owing to the fact that mother has left this world long before. It is also ventilated from the end of the petitioner that on previous occasions since the last 10 years, the father did not get a chance or opportunity to meet his son who grew up with age and is now a student of class-X who will appear for the Boards next year.

Ld. Advocate for the opposite party submits that today the OPs could not remain present before the Ld. Court due to their engagement in some religious festivities at home. Furthermore, it is also ventilated from the end of the OPs that the child is going to have examination from 15.09.2023 till 21.09.2023 and for this reason, it will not be possible for the child to remain present before the Ld. Court on any date if stipulated and fixed within the period as mentioned above. By making this submission, Ld. Advocate for the Opposite Party has prayed for exoneration of the OPs from the onus of producing the child before the Ld. Court today and fix another date for the same.

The Principal of Milia Convent English School, Rambag Purnia namely Sri. Y.K Jha who is present in Court on being queried about the status and performance of the child in the school submitted in crystal clear terms that the child by his behavioral pattern in school emulates the fact that he is constantly suffering a wear and tear within himself on account of some hidden pressure. In other words, the activities of the child are not similar to that of a normal boy of his age as enunciated by the Principal. Through the statement of the Principal and on a perusal of the documents specially the attendance register filed before the Ld. Court, I could gather the information that the said child was not present in school on 5th and 6th of September, 2023. Another startling fact which has come out through the submission of the Principal that the school authorities are really in doubt about the present residential address of the child. This fact has been substantiated through a declaration by way of an affidavit which has been filed from the end of the said authority.

Contd..

(Contd. Order No.59 dated 08.09.2023)

On perusal of the affidavit, I find that in the same it has been mentioned in crystal clear term that the child was absent from school on 05.09.2023 and 06.09.2023 and in spite of frantic effort from the end of the school, the exact residential address of the child and the contact numbers of the guardian could not be collected. Today the OPs are not present before me and their absence is very much relevant for me to draw a presumption that perhaps with some ulterior motive, the said OPs are trying to act as a stumbling block in the path of the accessibility of the child with the father. This feeling of mine gets strengthen with the averments of the Principal of the Educational Institution where the child is studying at the moment and the failure on the part of the OPs to envisage a reasonable ground which prevented the child from presenting himself before the Ld. Court today. On perusal of the case record, I find that by the earlier order this Ld. Court had asked the Purnia P.S specially the SHO to act as an intervener in the process of the compliance of the order by the parties by adopting measures to facilitate the school authorities to meet the child and produce him before the Ld. Court. By way of a repetition and taking into account, the graveness of the situation which is attached to the well-being and safety of a child, the SHO of Purnia P.S is once again asked by this Ld. Court to address the issue with serious consideration and chalk out ways and means to ensure that the child can be brought before the Ld. Court without any hindrance on the next date fixed i.e on **26.09.2023.**

The issue is of primary significance and it touches upon the welfare and well-being of a minor boy who has become a tool in the hands of the parties who happen to be his family members but at daggers drawn with each other. So, I think that the intervention of SP, Purnia is required to make the process of the presentation of the child namely **Rudranka Shekhar Ghosh** before the Ld. Court as success and as such, let a copy of this order be sent to both the SHO of Purnia P.S and also the S.P of Purnia.

The appearance of the Principal is dispensed with for the time being with a rider that he may again have to appear before the Court if the need of the case so demands.

Let the case record be fixed for **26.09.2023** for presentation of the child.

Office is directed to depute a special messenger for communication of this order to the parties as named above.

Dictated & corrected

District Judge,
Uttar Dinajpur at Raiganj

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