

Misc (Guardianship)28 of 2015
CNR WBSP-01-000699-2015
WB J.O Code No.-01277

Order No.60

Dated: 26.09.2023

Today is fixed for presentation of the child.

The Child namely Rudranka Sekhar Ghosh is produced before me in terms of the earlier direction passed by the Ld. Court.

Both the petitioner and respondents are present in the Court today.

The record is taken up in presence of the petitioner/father Sanjib Kr. Ghosh and respondents/ maternal grandparents Sri Naresh Yadav and Smt. Ava Yadav for hearing of the petition dated 11.10.2018 filed from the end of the petitioner/father for an order for visitation of the minor son namely Rudranka Sekhar Ghosh and presently residing in the the custody of his maternal grandparents at Dalkhola (Schoolpara), P.O:-Dalkhola, P.S: Karandighi, Dist: Uttar Dinajpur.

The Ld. Advocates of both parties are present.

The Ld. Advocate for the petitioner who is the father submitted with a lot of emphasis on the right of his client to visit his son so as to be bestowed with the privilege of enjoyment of the comfort of the company of his child. It is also ventilated from the end of the petitioner that since a long time, the petitioner has been deprived of the scope to meet his son on account of the misfeasance and conduct of the opposite parties being the maternal grandparents of the child who propelled by a ulterior motive to distance the petitioner from his son has shelved the child from all types of access to him by the petitioner. In the words of the Ld. Advocate for the petitioner, justice would be subserved through the recognition of the right of the child to have access to his father and vice versa the entitlement of the father being the petitioner herein to taste and feel the warmth of the bonding based on love and affection.

The Ld. Advocate for the petitioner has beseeched the attention of the Ld. Court and submitted that the facts of the instant case and also intertwined with the relief prayed for will necessitate the formulation of a mechanism to facilitate the visitation of the child by the father being the petitioner herein in a manner which best suits the Ld. Court.

Now, I would like to concentrate on some vital facts related to the issues concerning the child before I draw the final line of conclusion in respect of the grant of relief to the father on his petition for visitation of his son.

The child is aged about 16 years. It has transpired from the pleadings at the time the petition was filed, the child was staying with his grandparents.

After considering the submission of both sides and after evaluating the relevant facts and circumstance of the present case, I am of the opinion that the petitioner/father should be allowed to visit his son as named above once in a week for two hours. The respondents/grandparents have to render all sorts of cooperation to the petitioner to facilitate the petitioner to visit the child without being afflicted by any problems whatsoever. During course of hearing as it is informed to me from the side of the respondents that the child is presently residing at a premises being morefully c/o Rajib Ranjan Singh, Rambagh, Purnea, PO+P.S: Purnea so the place of visitation will be the above noted place. After assailing all the appurtenant circumstance and factors, I feel that the welfare and wellbeing of the child will be best addressed without causing any exasperation to the day to day routine of his life, if the petitioner is permitted to visit his son for a period of two hours on each Sunday afternoon preferably between 2.00 p.m to 4.00 p.m at the said place mentioned above.

The petition dated 11.10.2018 filed by the applicant/father is allowed with a direction upon the respondents to ensure the presence of the child namely Rudranka Sekhar Ghosh in the venue as mentioned above to enable the petitioner to visit him in terms of this order. Any variation in the mode of visitation with respect to the date and place will only be permitted through prior leave of the Ld. Court.

Let a sign copy of this order be given to both the parties for compliance.

To **22.11.2023** for hearing of the Misc Case.

Dictated & Corrected by

District Judge,
Uttar Dinajpur

District Judge,
Uttar Dinajpur

