

In the Court of the Ld. District Judge, Raiganj, Uttar Dinajpur

Misc 10/2022 (Guardianship)

CNR-WBUD01-000714-2022

Present : Shri Partha Pratim Chakravorty, District Judge, Uttar Dinajpur at Raiganj (WB01277)

Order No.12, dated 03.10.2023

Both sides are present by hazira.

Ld Advocates for both sides are present.

A list of documents by way of firisti is filed from the end of the opposite party no.1 in connection with the application for interim custody of the child in question which has been filed from his end.

Let the said documents along with the firisti be kept with the record.

Written objection to the said application for interim custody of the child and a petition U/O 6 Rule 17 of CPC for amendment of the written objection are filed from the end of the petitioner being the respondent to the application for interim custody.

Let these objections be tagged with the record.

First of all, I took into consideration the application preferred U/O 6 Rule 17 of CPC from the end of the opposite party no.1 being the father to cause some amendments in the written objection to the parent application.

Heard the Ld Advocates appearing for both sides in respect of the said application U/O 6 Rule 17 of CPC.

On going through the contents of the petition preferred U/O 6 Rule 17 of CPC and also upon hearing the submissions advanced from both sides in this respect, a prayer has been made from the end of the opposite party father to correct some mistakes by way of typographical mistakes. It is also ventilated from the end of the opposite party father by the Ld Advocate.

The said petition for amendment is allowed. The correction of the said mistakes in the written objection will in no manner whatsoever, cause any change with respect to the nature and character of the stand of the opposite party to the subject matter of the parent litigation pending between the parties.

On a meticulous appreciation of the application for amendment, vis a vis correction needs to be made in the written objection, I do not find any impediment to

work against the opposite party no.1/father with respect to the grant of the prayer for amendment of written objection as prayed for by him.

Accordingly, I am inclined to allow the petition U/O 6 Rule 17 of CPC as submitted from the end of the opposite party no.1/father by resting on the aforesaid submissions.

The said petition is thus allowed. The opposite party no.1/father is granted the leave to make necessary changes in the written objection and file copy of the amended written objection on the next date after serving advanced copy of the same to the petitioner.

Now I focus my attention to the application for interim custody as brought out by the opposite party no.1/father.

Ld Advocate for the opposite party no.1/father who happens to be the petitioner for the application for interim custody of the child submits at length with respect to the grounds relying on which his client has prayed for interim custody of the minor child.

To substantiate his submission Ld Advocate representing the opposite party no.1/father has drawn my attention to the documents specially the relevant one being certified copy of the orders passed by the Ld Court of competent jurisdiction, which is holding the trial of the opposite party no.1, the letter inscribing the prayer made from the end of the opposite party no.1 to the CWD authorities of North 24 Parganas on the subject of recovery of his daughter from the custody of the petitioner and other documents which are associated with this.

On the side of the petitioner Ld Advocate representing the same has advanced his submission to oppose the prayer for interim custody of the child as made from the end of the opposite party no.1/father, but the submission could not be concluded from the end of the petitioner owing to the fact that as ventilated by the Ld Advocate representing the petitioner, some documents need to be furnished from the end of his client before the Ld Court so as to facilitate the Ld Court to arrive at a just decision in the instant case concerning the subject matter of the list pending between the parties.

In the place of such eventuality, I defer hearing of the application for interim custody of the child for the moment and fix another date for decision.

To 15.12.2023 for further hearing of the application for interim custody of the child and for filing amended written objection.

(3)

In the mean time the order dated 22.08.2023 as passed by this Ld Court on the subject of the visitation of opposite party no.1 to the child in digital form, shall continue to remain in effect.

Dictated & Corrected by

District Judge
Uttar Dinajpur at Raiganj.

District Judge
Uttar Dinajpur at Raiganj.