



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No. 8407 of 2026

Sanjana Meher **Petitioner**

-Versus-

Sunil Kumar Meher **Opp. Party**

Advocates appeared in this case:

For Petitioner: Mr. Abhilash Mishra, Advocate

For Opp. Party:

CORAM:

THE HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

J U D G M E N T

Date of hearing and judgment: 20th March, 2026

MRUGANKA SEKHAR SAHOO, J.

1. Heard learned counsel for the petitioner at length.
2. The petitioner is the mother of the child born from her wedlock with the opposite party-husband. The opposite party has instituted a case before the learned Judge, Family Court, Sonapur U/s.13(1) (i-a) read with Section 7 of the Family Courts Act, 1984. During pendency of the petition U/s.13, opposite party-father of the child had filed petition



U/s.26 of the Hindu Marriage Act, 1955 seeking custody of the minor son who stays with his mother.

3. Sections 13 and 26 both are pending adjudication. I.A. No.1 of 2025 was filed before the learned Judge, Family Court seeking interim custody of the minor child. Interim custody application has been disposed of with direction giving visitation rights to the father-petitioner as well as contact rights over phone. The operative portion of the said order at paragraph-8 is reproduced herein:

“In view of the above findings, the Court partly allows the interim custody application with the following directions:

The petitioner-father and his family members i.e. parents are hereby granted visitation rights with the minor child on all the Sundays of every month, for a period of 3 hours (10:00 AM to 1:00 PM). The visitation shall take place in a neutral, child-friendly public location i.e. the nearby Pandakital park, a children’s play area within the jurisdiction of this Court. The interaction shall take place under the supervision of a female Court-appointed Commissioner, namely Ms. Sabyalaxmi Bhue, a para legal volunteer attached to the Civil Courts, Rampur who shall ensure the child’s safety and observe the behaviour of both parties and bring the minor child and his mother (O.P.) to such place at the expenses of the petitioner.

The petitioner shall be permitted to engage in video calls thrice a week i.e. every Monday, Wednesday and Friday, between 6:30 PM to 7:00 PM, in the presence of the O.P. or any responsible adult in her family in her absence.

However, overnight custody is not permitted at this stage, considering the tender age of the child and psychological well-being. Both parties are restrained from making adverse remarks or influencing the child against the other parent during interactions. Ms.



Sabyalaxmi Bhue, a trained PLV is hereby appointed as the Court Commissioner after due consultation with the Secretary D.L.S.A., Subarnapur. Her expenses shall be borne by the petitioner and she shall be paid a reasonable remuneration to be fixed by the Secretary, D.L.S.A., Subarnapur in consultation with this Court.

Inform all concerned through their counsel and O.P. to cooperate accordingly.

An extract of this order be sent to the Secretary, D.L.S.A., Subarnapur for information and necessary action.”

4. Thereafter I.A. No.7 of 2025 has been filed seeking revocation of the earlier order dated 12.09.2025 granting visitation rights passed in I.A. No.1 of 2025. The said I.A. seeking revocation of the earlier order has been disposed of by order dated 31.01.2026 with the following observations:

“Resultantly, the petition filed under Section 26 of the Hindu Marriage Act is hereby rejected on merits, as no sufficient and satisfactory ground has been made out for revocation or interference with the visitation order dated 12.09.2025 passed in I.A. No.01 of 2025. However, in partial modification of the said order, it is directed that the visitation shall henceforth take place at Irrigation I.B., Rampur, instead of Pandakital Park. Moreover, the said location is treated as a neutral, child-friendly public place within the Jurisdiction of this Court.

Be it noted that, all other terms and conditions of the order dated 12.09.2025, including the duration of visitation, supervision by the Court-appointed Para Legal Volunteer, the schedule of video calls, and restrictions regarding overnight custody, shall remain unchanged and strictly enforceable.

Both parties are directed to cooperate with each other and with the Court-appointed Para Legal Volunteer, and to scrupulously comply with the visitation arrangement in its modified form. Any



deliberate non-compliance or attempt to obstruct visitation shall be viewed seriously and dealt with in accordance with law. B.C. to inform all concerned.

No order as to costs.

Ordered accordingly.”

5. In the present application, the petitioner has inter alia contended that the distance of the P.W.D. I.B. as directed by the Court is about 7 kilometers from her house. She also takes exception to the father talking to the child for half an hour when in contact over phone on Monday, Wednesday and Friday.

6. In considered view of this Court, the learned Judge, Family Court, Sonepur has passed a very reasonable order considering the attitude of the parties particularly the petitioner. The petitioner has herself sought for the visitation to take place in a house and she had suggested her own house. Since the concept of granting visitation is usually at a neutral venue, the learned Court has found out an alternative like Inspection Bungalow of the Public Works Department.

7. This Court sitting in the writ jurisdiction cannot delve into the matter whether the Public Works Department I.B. which is usually a well maintained place and well guarded place is one of the alternatives for the visitation to take place. But the visitation at the I.B. has been granted at the instance of the mother, who did not want the child to be visited at a place like children's park.

8. Regarding the contentions raised that the contact over phone is excessive. The matter has to be looked into in its



proper perspective. The mother of the child is having the custody for the entire period. If a month is taken as unit, the mother has custody for all the days except 12-15 hours i.e. allowed to the father. Regarding contact with the child it has to be and is noticed that the mother is having 24×7 contacts all the days. The father who is the natural guardian also accepted and defined in the statute is having contact over phone half an hour on 3 days in a week that would add up to half an hour on 12 days in every month.

9. By any stretch of imagination, it can be said that grant of half an hour contact over phone is excessive. The place of visitation has been directed by the Court taking into account the contention of the petitioner-mother of the child that it should be at a place, which has a built up house and not a park.

10. No prima facie case is made out for issuance of notice rather looking at the material on record, it has to be and it is held that the orders dated 31.01.2026 in I.A. No.7 of 2025 and 12.09.2025 in I.A. No.01 of 2025 passed by the learned Judge Family Court, Sonapur are just and proper and need not be interfered with.

11. The petition is dismissed.

(Mruganka Sekhar Sahoo)
Judge

Signature Not Verified

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Reason: Authentication
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