

March 7, 2025
Sl. No.45 & 46
Court No.6
s.biswas

CO 763 of 2025
With
CO 591 of 2025

Sanjib Raj
vs.
Rajashree Paul (Raj)

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee
Mr. Bodhisattya Halder
Mr. Salil Kumar Maity

... for the petitioner

Upon being mentioned by Mr. Roy, learned advocate for the petitioner citing grave urgency, this matter was taken up out of turn.

As prayed for by Mr. Roy, learned advocate for the petitioner, leave is granted to the petitioner to file supplementary affidavit.

The supplementary affidavit filed in court is taken on record.

Mr. Roy submits that warrant will be issued against the petitioner on 11th March, 2025. By the order dated 13th January, 2025 passed by the learned Judge, Family Court, Tamluk, Purba Medinipur in Act VIII Case No.9 of 2024, the Inspector-in-Charge, Tamluk Police Station was directed to render all assistance to the opposite party mother in handing over the custody of the minor child by the father.

Alleging that the said order was not complied with, the opposite party filed a petition support by an affidavit and the learned Judge by an order dated

18th February, 2025 directed the Inspector-in-Charge, Tamluk Police Station to file an updated report within one week from the date of receipt along with an explanation as to why the order of the court was not complied with. It was indicated in the order dated 18th February, 2025 that on 11th March, 2025 further orders will be passed after receipt of the report of the police.

Mr. Roy, learned advocate for the petitioner draws the attention of the court to the report of the Child Welfare Committee, Purba Medinipur dated 22nd January, 2024 wherefrom it is found that the Committee after observing the conduct of the mother expressed opinion that Drusha Raj is lacking proper care from her mother, but she is very affectionate and shares a close bond with the father, the grandmother and the grandfather.

Since the order dated 22nd July, 2024 directing the temporary custody to be given to the mother is under challenge in CO 763 of 2025, this court is of the considered view that if the said order is implemented, the instant civil revisional application will become infructuous.

There shall be an interim order of stay of operation of the order dated 22nd July, 2024 passed by the learned Judge, Family Court, Tamluk, Purba

Medinipur in Act VIII Case No.9 of 2024 till March 21, 2025 or until further order, whichever is earlier.

The petitioner is directed to serve a copy of this application along with the supplementary affidavit by registered speed post with acknowledgement due as well as by courier service upon the wife/opposite party herein.

In addition thereto, the petitioner shall serve a copy of this application along with the supplementary affidavit upon the learned advocate representing the opposite party before the learned trial judge and file affidavit of service on the returnable date.

Let this matter appear on March 12, 2025 under the heading 'Motion'.

(Hiranmay Bhattacharyya, J.)