

CRR 2530 of 2021
(Via video conference)

In the matter of : Sahani Begum & Ors.

.....Petitioners

Mr. Kaushik Gupta
Ms. Munmun Gangopadhyay
Mr. Arnab Nandi ...for the petitioners

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Aniruddha Bhattacharyya....for the O.P. no. 2

Mr. Gupta, learned advocate for the petitioners undertakes before this court that the petitioner no. 1 is not in any manner persuading the children to be with her. It is only the children who, out of their own volition, are willing to stay with the petitioner no. 1.

Mr. Ganguly, learned senior advocate appearing for the opposite party no. 2 opposes such contention and submits that the peculiar circumstances of the case are because of the fact that the mother has been deterred from approaching the children.

Prima facie, I find the difference and dispute arise from family/matrimonial relationships. In view of the facts involved in this case, I am of the opinion that a Mediator should be appointed for the ends of Justice to assess whether the children if handed over to the mother would be safe with her.

Accordingly, Mr. Kallol Mondal, learned advocate and a certified Mediator of this court is engaged in this matter.

The advocate on record of either parties are directed to take proper appointments with Mr. Mondal. The Mediator is directed to submit a report before this court on the following points:-

- i) the children must be produced by the petitioner no. 1 before the learned Mediator.
- ii) Whether the children have been handed over to the mother in course of the meeting.
- iii) If they are not handed over, the reasons of not being handed over.
- iv) Mr. Mondal would be assisted by Mrs. Aparna Banerjee, learned advocate who would be present at the time and place fixed by Mr. Mondal.

All the parties except the children must sign the minutes prepared by the Mediator.

All the parties are to meet at Mr. Mondal's chamber at a time fixed by him on 20th December, 2021.

List this matter under the heading **"For Orders"** on 23rd December, 2021.

In view of the aforesaid directions, all further proceedings of complaint case no. CNS-866 of 2021 pending before the learned Metropolitan Magistrate, 16th Court, Calcutta as well as the search warrant issued therein, be stayed till 5th January, 2022.

All parties are to act on the server copy of this order, duly obtained from the official website of this Court.

(Tirthankar Ghosh, J.)

