

GAHC010236092023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP(IO)/336/2023

ANUSHKA KALITA
W/O- SHIVAM MANDAL, D/O- SRI MAHENDRA KALITA, R/O-
MURHATETELI, P.O. AND P.S. TEZPUR, MAHABHAIRAB, DIST. SONITPUR,
ASSAM, PIN- 784001.

VERSUS

SHIVAM MANDAL
S/O- SRI BALAI MANDAL, R/O- RUBBER BAGAN (LECHUBAGAN), TEZPUR,
P.S. TEZPUR, DIST. SONITPUR, ASSAM, PIN- 784001.

Advocate for the Petitioner : MR. S SAHU

Advocate for the Respondent : MR. S K SINGH

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

08.05.2024

This is an application under Article 227 of the Constitution challenging the order dated 31.08.2022 passed in Misc.(J) Case No.39/2022 whereby the

application filed by the petitioner being Petition No.537/2022 was rejected by the learned District Judge Sonitpur, Tezpur.

2. This Court has perused the said application which was filed by the petitioner before the learned District Judge, Sonitpur. On perusal of the said application, it reveals that the petitioner herein being the wife, who has the custody of the child wants that the child should also meet the father and as such filed an application so that a direction be issued to the father to meet the child at a convenient place. The said application was rejected by the learned District Judge, Sonitpur on the ground that the husband i.e. the father did not voluntarily desire to meet the baby daughter as demanded by the wife due to matrimonial discord and distrust.

3. I have heard Mr. S Sahu, the learned counsel appearing on behalf of the petitioner and Mr. SK Singh, the learned senior counsel, assisted by Mr. B Pushilal, learned counsel for the respondent.

4. This Court has put a specific query upon Mr. SK Singh, the learned senior counsel for the respondent as to whether the respondent herein i.e. the father would like to meet the baby daughter. The learned senior counsel submits that the father duly wants to meet the child, but, however, fears that if any direction is passed upon the respondent to meet the child at any other place, the petitioner herein would cause matrimonial discord in public place, so that further cases can be filed against the respondent.

5. This Court is of the opinion that for the benefit of the child, the parental guidance of both the mother and the father are equally important.

6. Under such circumstances, this Court closes the instant petition and grants the liberty to the petitioner herein to file an application before the learned District Judge, Sonitpur. This liberty is being granted taking into account the submission of Mr. SK Singh, the learned senior counsel appearing on behalf of the respondent that the respondent is also inclined to meet his daughter. Accordingly, in the circumstance, if such an application is filed by the petitioner before the learned District Judge, Sonitpur at Tezpur, the learned District Judge, Sonitpur may consider to permit the respondent herein, who is the father to meet the baby daughter within the complex of the learned District Court, Sonitpur at Tezpur.

7. With the above, the instant petition stands closed.

JUDGE

Comparing Assistant