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d.p.

**C.O. 1246 of 2020
IA No. CAN 1 of 2020
(Via Video Conference)**

**Saugata Basu
-vs-
State of West Bengal & Ors.**

**Mr. Joydip Banerjee.
...For the Petitioner.**

**Mr. Md. Adil Badr.
...For the Opposite Parties.**

The petitioner is the father of a boy who the petitioner seeks custody of. The opposite party are the in-laws of the petitioner. The petitioner had filed for restitution of conjugal rights sometime in 2017 after which the petitioner's wife committed suicide in 2018.

The petitioner filed an application under section 25 of the Guardian and Wards Act, 1890 on 21 August, 2018 for custody of his minor child and son.

Learned counsel submits that by an order dated 17th July, 2018 passed in a writ petition filed by the petitioner, the Division Bench of this Court had set out the terms of an arrangement for visitation rights of the petitioner which allowed the petitioner to meet his minor son on two days of the week. The arrangement also recorded that the petitioner would be at liberty to make an appropriate application for seeking custody of the child. Counsel places a second order passed by a learned Judge on 15th January, 2020 in a civil revisional application filed by the petitioner by which a direction was given for expeditious disposal of Misc. Case No. 73 of 2018.

Counsel submits that there has been little progress in the matter and that the next date of hearing

has now been fixed on 2nd December, 2020. It is further submitted that the petitioner is unable to meet his son on a regular basis by reason of the dilatory tactics adopted by the opposite parties.

Learned counsel appearing for the opposite parties submits that he has no objection to the matter being expedited before the concerned Court and that 2nd December, 2019 is the earliest date available given the ensuing Puja Vacation.

Upon hearing the learned counsel, this Court is of the view that a case for custody filed in 2018 should have been proceeded with much more expeditiously than has been done in the instant case. This is particularly so in view of the fact an order had been passed in January 2020 for expeditious disposal of the case.

In view of the facts as urged by the parties, the District Judge, Howrah is requested to dispose of the Misc. Case No. 73 of 2018 as expeditiously as possible and to hear the matter from 2nd December, 2020 onwards on a regular basis without granting unnecessary adjournments to any of the parties.

The matter should positively be disposed of within a period of three months from 2nd December, 2020 subject to the usual restrictions caused by the pandemic.

C.O. 1246 of 2020 is disposed of.

(Moushumi Bhattacharya, J.)