

19th November,
2020
AK

C.O. 1330 of 2020

(Via Video Conference)

Sri Satyajit Patra
-Vs-
Tapan Kumar Ghorui & Ors.

Mr. Ujjwal Datta
Mr. Ushnish Datta
... For the petitioner.

The petitioner is the father of a four and a half year old girl whose mother/the petitioner's wife died on 18th April, 2020.

Learned counsel appearing for the petitioner has challenged an order dated 28th September passed by the learned District Judge of Alipore in Misc case No. 169 of 2020. The Misc. case was filed by the petitioner for temporary physical custody of the petitioner's daughter was refused.

Counsel submits that the order is based on reasons which were not borne out from the pleadings in the case and that the petitioner is required to be given custody of his daughter for attending to her daily needs.

Upon perusing the impugned order, it is found that the learned Judge was of the specific view that the minor daughter was residing with her mother and her matrimonial grand parents including her uncle after her mother's death. It is on this basis that the petitioner's prayer for interim custody was rejected.

This court does not find any serious infirmity in the order. The learned Judge must have come to the findings based on materials which were available before him. However, since the petitioner's father has not been allowed to visit his minor daughter since April, 2020, it is deemed appropriate to allow visitation rights to the petitioner once every week for a duration of two hours.

The petitioner will be permitted to visit his minor daughter in the residence of her matrimonial grand parents and the grand parents shall be physically present during the visiting hours. There shall be no disruption or disturbance caused by any person during the visitation. The visitation rights as directed will continue till the next substantive order passed by the learned court below.

It is evident from the impugned order that the next date of hearing has been fixed on 18th December, 2020. Hence, there is no further requirement to expedite the proceedings.

C.O. 1330 of 2020 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)