

22.12.2020
Court No. 19
Item No. 9
CP

C.O. 1551 of 2020

Manas Mitra
vs.
Smt. Arniva Mitra

(via video conference)

Mr. Pramit Bag
Mr. Arjun Bag
Mr. Malay K. Seal

...for the petitioner.

Affidavit of service is taken on record.

None appears on behalf of the opposite party despite service.

This is an application filed by the husband/petitioner in Misc. Case No. 148 of 2020 arising out of Mat. 992 of 2020, pending before the learned Additional District Judge, 10th Court at Alipore.

By an application under Section 26 of the Hindu Marriage Act, 1955 the petitioner has prayed for visitation right of his minor son 'Agnibha Mitra'. It is the contention of the petitioner that the paternal grandmother, the aunt and other members have not been able to visit the child or meet the child for a considerable long time. It is prayed before this court that the learned court below may be directed to hear out the said application so that the agony of a parent in not being able to see the child be addressed.

Having considered the innocuous prayer made on behalf of the father of a minor child, this court is of the opinion that justice would be subserved if the application under Section 26 of the Hindu Marriage Act, 1955 is disposed of expeditiously, i.e., within a period of a month from the next date fixed upon affording an opportunity of hearing to the parties to the proceeding and on its own merits.

This court has neither gone into the merits of the claim of the petitioner in the application nor has expressed any opinion in this regard save and except that the court feels that the said application may be disposed of expeditiously in accordance with law upon hearing the contesting parties.

As this is an innocuous order, this order can be passed in the absence of the opposite party.

The petitioner is further directed to serve a copy of the revisional application along with a server copy of this order upon the opposite party within a week from date.

The revisional application is disposed of. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible subject to compliance of all usual formalities.

(Shampa Sarkar, J.)